I am amused at the consideration now being expressed for the wishes of the Senator from Pennsylvania in this matter. I find during his absence there was no consideration given to his views on the tariff bill. Legislation had to proceed in his absence. I think this is no different than any other matter that comes up before this body.

Mr. GLASS. I think he will be quite content with the tariff bill when he gets back.

Mr. HARRIS. Mr. President, I asked Mr. Halsey, the pair clerk, to have the Senator from Arkansas [Mr. ROBINSON] and the Senator from Pennsylvania [Mr. REED] both paired against the repeal of the national-origins provision, and he told me he had done so. I would be glad if Senators would arrange to have them paired in favor of recommitting the bill. It is not too late for that to be done.

I want to remind Senators that while we lost the national-origins fight, and no one regrets it more than I do, if we recommit the bill and kill it, here is what we will do: We will allow 30,000 more Europeans to come into the country than are coming in at the present time, and we will also allow an average of 55,000, and more than that, to come from Mexico. Under the provisions of the bill in its present shape, if it is passed, we shut out from 85,000 to 100,000 Mexicans and Europeans.

Mr. McKELLAR. Mr. President, does the Senator think since the amendment of the Senator from Wyoming [Mr. KENDRICK] was adopted that we will shut out all Mexicans?

Mr. HARRIS. Of course, we will shut out Mexicans.

Mr. McKELLAR. I think the Senator is mistaken.

Mr. HARRIS. We will shut out nearly 100,000 Mexicans if we pass the bill with its present provisions. A vote to recommit the bill means a vote to let in 55,000 to 100,000 Mexicans and to let in 30,000 Europeans, who will be denied entrance to our country if the bill is passed. If this bill is passed, it will prevent many thousand Mexicans from coming to Texas and Oklahoma and producing a million or more bales of cotton which creates a surplus and depresses the price of cotton. A lower price for cotton decreases the earning capacity and affects the living conditions of every person in the cotton States and also forces the cotton farmer to sell his cotton at far less than the cost of production.

The VICE PRESIDENT. The question is on the motion of the Senator from Virginia [Mr. GLASS] to recommit the bill.

Mr. ASHURST. Let us have the yeas and nays.

The yeas and nays were ordered, and the legislative clerk proceeded to call the roll.

Mr. McNARY (when Mr. WATSON'S name was called). The Senator from Indiana [Mr. WATSON] is absent on account of pressing official business. Upon this motion and generally he has a pair with the Senator from South Carolina [Mr. SMITH].

The roll call was concluded.

Mr. NORRIS. I desire to announce that the Senator from Iowa [Mr. BROOKHART], who is necessarily absent, is paired with the Senator from Maryland [Mr. TYDINGS]. If the Senator from Iowa were present, on this motion he would vote "nay."

Mr. FESS. I desire to announce that on this question the Senator from Pennsylvania [Mr. REED] is paired with the Senator from Texas [Mr. SHEPPARD]. If the Senator from Pennsylvania were present, he would vote "yea," and if the Senator from Texas were present he would vote "nay." I wish also to announce the following general pairs:

The Senator from New Jersey [Mr. BAIRD] with the Senator from Kentucky [Mr. BARKLEY];

The Senator from Illinois [Mr. DENEEN] with the Senator from North Carolina [Mr. OVERMAN];

The Senator from Pennsylvania [Mr. GRUNDY] with the Senator from Florida [Mr. FLETCHER];

The Senator from New Hampshire [Mr. MOSES] with the Senator from Utah [Mr. KING];

The Senator from Maine [Mr. GOULD] with the Senator from New Mexico [Mr. BRATTON]; and

The Senator from Illinois [Mr. GLENN] with the Senator from Texas [Mr. CONNALLY].

I am not advised how any of the Senators mentioned, if present, would vote on this question.

Mr. BLAINE. I desire to announce that my colleague [Mr. LA FOLLETTE] is unavoidably absent. On this question he has a pair with the senior Senator from Rhode Island [Mr. METCALF]. I am authorized to announce that if the Senator from Rhode Island were present he would vote "yea," and my colleague, if present, would vote "nay."

Mr. SHIPSTEAD. My colleague [Mr. SCHALL] is unavoidably detained from the Senate. On this question he is paired with the senior Senator from Arkansas [Mr. ROBINSON], who I understand if present would vote "yea," and my colleague, if present, would vote "nay."

Mr. SIMMONS. I have a general pair with the senior Senator from Massachusetts [Mr. GILLETT]. In his absence, not being able to secure a transfer, I withhold my vote.

Mr. WALSH of Montana. I desire to announce that my colleague the junior Senator from Montana [Mr. WHEELER] is unavoidably absent. If present, he would vote "nay."

I also wish to announce that the Senators from Texas [Mr. SHEPPARD and Mr. CONNALLY] are necessarily detained by attendance upon the funeral of the late Representative Lee, of Texas.

Mr. HARRIS. I wish to call attention to the fact that both the Senator from Arkansas [Mr. ROBINSON] and the Senator from Pennsylvania [Mr. REED] are paired in favor of this motion.

Mr. CARAWAY. Regular order!

The VICE PRESIDENT. No debate is in order.

The result was announced—yeas 23, nays 40, as follows:

YEAS—23

Allen	Glass	Kean	Swanson
Bingham	Goldsborough	Keyes	Thomas, Okla.
Brock	Greene	McKellar	Townsend
Caraway	Hale	Phipps	Walcott
Cutting	Harrison	Pittman	Waterman
Dale	Hatfield	Stephens	

NAYS—40

Ashurst	George	Norbeck	Shortridge
Black	Harris	Norris	Steck
Blaine	Hawes	Nye	Steiwer
Borah	Heflin	Oddie	Sullivan
Capper	Howell	Patterson	Thomas, Idaho
Copeland	Johnson	Pine	Trammell
Couzens	Jones	Ransdell	Vandenberg
Dill	Kendrick	Robinson, Ind.	Wagner
Fess	McCulloch	Robsion, Ky.	Walsh, Mass.
Frazier	McNary	Shipstead	Walsh, Mont.

NOT VOTING—33

Baird	Gillett	La Follette	Simmons
Barkley	Glenn	McMaster	Smith
Blease	Goff	Metcalf	Smoot
Bratton	Gould	Moses	Tydings
Brookhart	Grundy	Overman	Watson
Broussard	Hastings	Reed	Wheeler
Connally	Hayden	Robinson, Ark.	
Deneen	Hebert	Schall	
Fletcher	King	Sheppard	

So the Senate refused to recommit the bill to the Committee on Immigration.

RECESS

Mr. McNARY. On account of the lateness of the hour and the fact that several amendments have been reserved for a separate vote, I move that the Senate take a recess until 12 o'clock noon to-morrow.

The motion was agreed to; and (at 5 o'clock and 20 minutes p. m.) the Senate took a recess until to-morrow, Thursday, April 24, 1930, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES

WEDNESDAY, *April 23, 1930*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Thou art still gracious and merciful, blessed Lord God; we thank Thee. Bestow upon us the blessing of Thy Holy Spirit to temper our duties with patience, to enlarge our minds with long, long thoughts, to mellow our hearts with broad sympathies, and to interpret our lives by the standards of nobleness. O may we not be hardened by business, blunted by disappointments, or harmed by the conflicts of trade. Our Father, lure us to the high places of action, to sweet fellowships and splendid service. May we once more believe in the dreams of youth, feel once more the allurements of the heart, and trust once more the ideals of the hearthstone. Bless our country with all its manifold interests, and may all nations be brought into a more intimate relationship. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Craven, its principal clerk, announced that the Senate had agreed to the amendment of the House to the joint resolution (S. J. Res. 152) entitled "Joint resolution to extend the provisions of the joint resolution for the relief of farmers in certain storm, flood, and/or drought-stricken areas, approved March 3, 1930."

The message also announced that the Senate had passed a joint resolution of the following title, in which the concurrence of the House is requested:

S. J. Res. 156. Joint resolution to pay the judgment rendered by the United States Court of Claims to the Iowa Tribe of Indians, Oklahoma.

The message also announced that the Senate disagrees to the amendment of the House to the bill (S. 549) entitled "An act to authorize the Secretary of the Navy to proceed with the construction of certain public works, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. HALE, Mr. ODDIE, Mr. SHORTRIDGE, Mr. SWANSON, and Mr. TRAMMELL to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H. R. 9806) entitled "An act to authorize the construction of certain bridges and to extend the times for commencing and completing the construction of other bridges over the navigable waters of the United States," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. JOHNSON, Mr. HOWELL, Mr. VANDENBERG, Mr. RANSDELL, and Mr. SHEPPARD to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H. R. 6130) entitled "An act to exempt the Custer National Forest from the operation of the forest homestead law, and for other purposes," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. NYE, Mr. KENDRICK, and Mr. WALSH of Montana to be the conferees on the part of the Senate.

PERMISSION TO ADDRESS THE HOUSE

Mr. BROWNE. Mr. Speaker, I ask unanimous consent, after the disposition of business on the Speaker's table, to address the House for 20 minutes on Thursday next.

The SPEAKER. The Chair understands that the gentleman from New York [Mr. SNELL] has served formal notice on the House that for the time being he intends to object to any arrangements made in advance for speeches. Under these circumstances the Chair would prefer to wait until the gentleman from New York is present.

Mr. BROWNE. I may say that there are two speeches already arranged for Thursday morning.

The SPEAKER. The Chair so understands; but in view of the very important legislation that is pressing, including the veterans' bill and others, the Chair feels that in the absence of the gentleman from New York, who has given such formal notice, he would prefer to ask the gentleman to withhold his request for the time being.

Mr. BROWNE. Very well, Mr. Speaker.

TWELFTH NATIONAL CONVENTION OF THE AMERICAN LEGION AT BOSTON

Mr. RANSLEY. Mr. Speaker, by direction of the Committee on Military Affairs, I call up the bill (H. R. 10118) authorizing the Secretary of War to lend War Department equipment for use at the Twelfth National Convention of the American Legion at Boston, Mass., during the month of October, 1930, with Senate amendments thereto, and ask unanimous consent that the Senate amendments be agreed to.

The SPEAKER. The gentleman from Pennsylvania calls up the bill H. R. 10118, with Senate amendments, and asks unanimous consent that the Senate amendments be concurred in. The Clerk will report the bill and the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 1, line 7, strike out "fifteen" and insert "twenty"; page 1, line 8, strike out "thirty" where it appears the first time and insert "forty"; page 1, line 8, strike out "thirty" where it appears the second time and insert "forty"; page 1, line 9, strike out "fifteen" where it appears the first time and insert "twenty"; page 1, line 9, strike out "fifteen" where it appears the second time and insert "twenty"; page 2, line 1, strike out "fifteen" and insert "twenty."

Mr. GARNER. Mr. Speaker, reserving the right to object, may I ask the gentleman if the action of the committee in authorizing him to call up this matter was unanimous?

Mr. RANSLEY. It is the unanimous action of the Committee on Military Affairs. The amendments just increase the number of beds and cots and the amount of linen, and so forth, that will be used.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Senate amendments were agreed to.

PERMISSION TO ADDRESS THE HOUSE

Mr. SIROVICH. Mr. Speaker, I ask unanimous consent to address the House for two minutes.

Mr. JOHNSON of South Dakota. Mr. Speaker, reserving the right to object, and I shall not object to the gentleman's request, because two minutes will not amount to anything in time, but until the bill H. R. 10381 is finally acted upon I shall object to the fixing of any time for speeches. The gentleman from New York [Mr. SNELL] is here, and if he does not make the objection, I shall. I shall not object to this request.

The SPEAKER. Is there objection?

There was no objection.

Mr. SIROVICH. Mr. Speaker, ladies and gentlemen of the House, the bankruptcy situation to-day is a serious one. Especially is this true in New York City, the largest commercial center in the world. Credit is the foundation upon which modern business is built. When once the element of confidence, which is the basis of credit, is destroyed, modern business is seriously handicapped. We can readily see, therefore, that if bankruptcies are permitted to increase, the usual confidence existing between debtor and creditor will be destroyed.

Bankruptcies are serious, not only to the honest merchant but to the public in general. If a man purchases merchandise with no intention to pay for it, but with the ultimate purpose of going into bankruptcy, he must dispose of that merchandise clandestinely, secretly, and quickly. In order to so dispose of this merchandise, he, of necessity, sells it much below the cost price. By doing this he not only cheats the merchant from whom he buys but he also creates unfair competition with legitimate merchants who can not afford to sell below cost. The selling by racketeers of merchandise below cost oftentimes causes legitimate business men to be forced out of business, because of their loss of trade due to their inability to compete with the racketeers' ruthless prices.

One wonders, however, how bankruptcies and the losses sustained as the result of both fraudulent and legitimate bankruptcies affect the public. The answer is simple. With millions of dollars being lost each year by reason of legitimate and illegitimate bankruptcies, the creditors of the bankrupts must of necessity, in order to make up the tremendous losses sustained in bankruptcies, add a certain percentage of this loss to the middleman, who in turn is forced to charge the public more for the merchandise it consumes. We can see, therefore, that in the final analysis it is the public that pays for the losses sustained by reason of bankruptcies.

Merchants throughout the country are deeply concerned over the appalling increase of bankruptcies during the last decade. In 1919 there were approximately 19,000 petitions filed. In 1929 there were over 57,000 filed, an alarming increase of 200 per cent. In 1919 the total liabilities of bankrupts were $241,720,000. In 1929 the total liabilities of bankrupts were $883,605,000, an increase of over 300 per cent. In 1929 creditors of bankrupts received only 5½ cents on the dollar from bankrupt merchants. We can see by these staggering figures that creditors lost in 1929 approximately 95 cents on every dollar's worth of merchandise sold to the 57,000 individuals who went into bankruptcy. These figures visibly portray the gigantic losses merchants sustain each year as the result of bankruptcies. One can also visualize the resulting loss of confidence in the prosperity of business—that confidence which is necessary to obtain credit, the stabilizing factor in modern business. Surely one does not expect the merchants who sold in 1929 $883,605,000 worth of merchandise to 57,000 middlemen to sustain the ultimate loss of 95 per cent on this merchandise. Who sustains this loss? The public, of course.

Most of these failures are not fraudulent ones. Many, however, are brought about by the inability of legitimate merchants to compete with the racketeers. Intelligent and scheming racketeers find the bankruptcy field a very fertile one in which to operate.

There has been an enormous number of lawyers practicing before the bankruptcy court since the passage of the national bankruptcy act of 1898, but the percentage of lawyers who have committed wrongs during that period has been very small indeed.

Bankruptcy is commercial. It is difficult to have any commercial enterprise completely free from wrongdoing. We see that every day in banking circles and in business circles generally.

Whatever may be said about bankruptcy, the wrongs have been quite slight compared with what has been illegally carried on in equity receiverships.

Since the passage of the national bankruptcy act of 1898 a large number of insolvencies have been conducted in the Federal courts of the United States under the guise of bills in

equity, which were in fact bankruptcy proceedings and were known to be such at their very inception, and should have been conducted under the provisions of the national bankruptcy act of 1898. This nefarious and obnoxious practice has from time to time been adversely criticized by the Supreme Court of the United States, by such eminent jurists as Judge Taft, Judge Butler, and Judge McReynolds.

Notwithstanding such criticism from our highest court, this corrupt practice still continues.

The purpose of conducting such insolvencies in the equity side of the court instead of on the bankruptcy side where it belongs, is to escape the provisions of the national bankruptcy act and the rules of the Supreme Court of the United States which limit the compensation of receivers, referees, attorneys, and others.

In equity cases, enormous fees, wholly out of proportion to the value of the net distributable estate to the creditors, have been paid to receivers, special masters, committees and their counsel, accountants, appraisers, custodians and others, which practice has been seriously criticized by the United States Supreme Court. There are specific cases where the amounts paid to receivers and others exceeded the amount paid to creditors.

It is not going too far to say that a thorough investigation of equity receiverships in the past 20 years would show that $300,000,000 has been paid to receivers, special masters, accountants, appraisers, attorneys, and so forth which, under proper regulation, should have gone to creditors.

One of the great troubles has been the shortage of judges and the fact that the judges have been without adequate help. It is ridiculous to expect a judge of the Federal court—who is obliged to handle patent matters, trade-mark matters, criminal cases, civil cases, and so forth—to supervise detailed ramifications of insolvency proceedings. Every judge should have three assistants, (1) an expert stenographer, (2) a trained lawyer to act as a law clerk, and (3) a certified public accountant. With such a staff each judge would be able to delve into the minutest details of an insolvency proceeding. He would be able to watch the proceeding from beginning to end. When an insolvency case is started it should remain with the judge before whom it was started right down to the end of the case.

The great objection to having a trust company the sole receiver is that it takes the administration of insolvency proceedings away from the court and places the administration in foreign hands. That is absolutely wrong. It is against the policy of the United States Government. There is no more propriety in such a course than in turning over the administration of insolvent banks to some individual bank or trust company. The Federal Government should administer insolvency estates just as it administers insolvent banks.

There has been too much adverse criticism of the handling of bankruptcy proceedings. There is no great essential difference between a bankruptcy proceeding as such, and the ordinary action brought by A against B to recover a debt. The only difference between such an action and a bankruptcy proceeding is this: In a bankruptcy proceeding, when A files a petition against B to collect his debt, A is presumed to act as a trustee for all of the creditors of B, so that all creditors will be treated alike.

Since A and his attorneys are vitally interested in collecting A's debt, it is only natural to assume that A and his attorneys will conduct the bankruptcy proceeding in such a way as to recover the largest sum possible for the creditors.

There has, of course, been abuse in this regard. There have been creditors and attorneys in the position of A who have filed false affidavits with the court. They have sworn that they were not interested in the bankrupt. The affidavits were false. The affiants should have been prosecuted. The attorneys should have been disbarred. If these matters had been acted upon summarily and at the time of the occurrences there never would have been any real abuses in the administration of bankruptcy estates.

But with the shortage of judges and with the inadequacy of assistants for the judges, it was impossible to check these abuses because bankruptcy cases became too numerous.

The receiver in bankruptcy should be the clerk of the court, and the fees of the receiver should go to the United States to help defray the cost of administering the bankruptcy estates.

The best proof that it is not necessary to have an outside receiver is that the court has agreed in New York upon a trust company as sole receiver.

The clerk should have standing custodians, appraisers, auctioneer, and accountants, all to be approved by the court and paid out of the estates.

The attorney who files the involuntary petition should be permitted to conduct the administration of the estate, in the name of receiver or otherwise, subject to summary removal for cause on motion of any party in interest or on the court's own motion if it appears that the petition was filed in the interest of the bankrupt, or if it appears that the attorney is not proceeding with speed or is otherwise misconducting himself.

It is against the policy of the Government to shift the responsibility for the administration of bankruptcy estates from the court to private individuals.

The attorney for the petitioning creditors should receive reasonable allowances based solely upon the results obtained for the creditors, not exceeding 5 per cent of the value of the estate. But the court may, in exceptional cases, upon notice to all creditors, award a large sum where it appears that the proceeding is a difficult and extraordinary one and where substantial recoveries have been made for the creditors.

The receiver should be clothed with the same title as is now possessed by the trustee, thus doing away with a double administration.

The referees should receive one-half the salary of the district court judges and should not receive any other compensation.

The objections to the Irving Trust Co. are:

(a) It is taking away the business of a large number of lawyers and giving it to the Irving Trust Co. and other lawyers.

(b) It is depriving creditors of the right to name their own trustee because no individual creditor can compete with the Irving Trust Co. and the referee.

(c) The Irving Trust Co. is frequently a litigant in the Federal court and a creditor in the bankruptcy proceeding.

(d) The Irving Trust Co. is frequently charged with having received a preference in the bankruptcy, and can hardly be expected to sue itself.

(e) There is such a close relationship between the larger banks that the Irving Trust Co. may be embarrassed in suing other banks for preferences, and there may be a coalition of bank creditors against the smaller creditors.

It is for that reason, Mr. Speaker, ladies and gentlemen, that I have just introduced a resolution in the House to correct these outrageous abuses of equity receiverships that rightly belong in the domain of bankruptcy and bring justice to the honest merchant, manufacturer, and business men of our Nation. [Applause.]

The resolution reads as follows:

House Resolution 211

IN THE HOUSE OF REPRESENTATIVES,
Seventy-first Congress, Second Session.

Mr. SIROVICH submitted the following resolution, which was referred to the Committee on Rules and ordered to be printed:

Resolution

Whereas since the passage of the national bankruptcy act of 1898 a large number of insolvencies have been conducted in the Federal courts of the United States under the guise of bills in equity which were in fact bankruptcy proceedings and were known to be such at their very inception and should have been conducted under the provisions of the national bankruptcy act of 1898; and

Whereas that practice has from time to time been adversely criticized by the Supreme Court of the United States in such cases as United States *v.* Butterworth (269 U. S. 504), opinion by Judge Butler; Price *v.* United States (269 U. S. 492), opinion by Judge Butler; Bramwall *v.* United States Fidelity & Guaranty Co. (269 U. S. 483), opinion by Judge Butler; and Mellon *v.* Michigan (271 U. S. 236), opinion by Judge McReynolds; and

Whereas notwithstanding such criticism from our highest court the practice still continues; and

Whereas the purpose of conducting such insolvencies on the equity side of the court instead of on the bankruptcy side is to escape the provisions of the national bankruptcy act and the rules of the Supreme Court of the United States, which limit the compensation of receivers, referees, attorneys, and others; and

Whereas enormous fees, wholly out of proportion to the value of the net distributable estate to the creditors, have been paid to receivers, special masters, committees and their counsel, accountants, appraisers, custodians, and others, which has also been seriously criticized by the Supreme Court of the United States; and

Whereas there are specific cases where the amounts paid to receivers, attorneys, accountants, committees and their counsel, special masters, appraisers, custodians, and others exceeded the amount paid to creditors; and

Whereas the practice has recently grown up of appointing only a single trust company in certain judicial districts, receiver and trustee in bankruptcy and in equity, which trust company employs only such attorneys, committees, accountants, appraisers, custodians, and clerks as are friendly to such trust company; and

Whereas such trust company also insists upon the deposit with it of all funds in such insolvency proceedings, contrary to the spirit of our

laws, which require that a receiver shall not have personal control of the receivership funds; and

Whereas the deposit of bankruptcy and equity funds is thus limited by the judges to favored institutions; and

Whereas all of the above is resulting in the unemployment of a vast army of young lawyers throughout the United States because the handling and disposition of insolvency estates in the Federal court is being concentrated in the hands of a few corporations, credit associations, and individuals for their own selfish purposes and is preventing merchants from having their own attorneys collect their claims in insolvency proceedings, and is also resulting in the administration of insolvent estates by a corporation which chooses its own counsel and other help instead of by the court, all contrary to the spirit of our laws and our form of government; and

Whereas already certain judges have been compelled to resign and others have been censured for misconduct in connection with such insolvency proceedings: Now, therefore be it

Resolved, That the Judiciary Committee of this House appoint a subcommittee or committees (with power to employ counsel and other assistants) to subpœna witnesses, books, checks, accounts, and such further authority as is necessary to conduct such investigation and to investigate all proceedings brought in the various district and circuit courts of the United States, commonly referred to as equity receiverships since the passage of the national bankruptcy act of 1898, to determine to what extent these proceedings should have been carried on as bankruptcy proceedings in the first instance and to what extent fees have been paid to receivers, special masters, committees and their counsel, accountants, appraisers, custodians, and others; and to determine to what extent these fees have exceeded those allowable under the bankruptcy act; and whether such fees, amounting to many millions of dollars, can not be recovered back for the benefit of merchants in summary proceedings instituted by the judges against the persons who have improperly received such payments.

Resolved further, That the said subcommittee or committees have power to investigate all bankruptcy proceedings instituted since the passage of the national bankruptcy act of 1898, all with a view of recommending to the House what amendments, if any, should be made to the bankruptcy act and what steps should be taken to regulate the handling of insolvency estates in the Federal courts, and an appropriation of $10,000 is hereby authorized to defray the expenses of said investigation.

DEPARTMENT OF AGRICULTURE APPROPRIATION BILL

Mr. DICKINSON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 7491) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1931, and for other purposes, with Senate amendments, disagree to the Senate amendments, and ask for a conference.

The SPEAKER. The gentleman from Iowa asks unanimous consent to take from the Speaker's table the bill H. R. 7491, with Senate amendments, disagree to the Senate amendments, and ask for a conference. The Clerk will report the bill.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Iowa? [After a pause.] The Chair hears none and appoints the following conferees: Messrs. DICKINSON, SIMMONS, SUMMERS of Washington, BUCHANAN, and SANDLIN.

BRIG. GEN. CASIMIR PULASKI

Mr. McCORMACK of Massachusetts. Mr. Speaker, I ask unanimous consent to extend my own remarks on the several resolutions pending asking the President to issue each year a proclamation calling on the people to honor and commemorate the death of Brig. Gen. Casimir Pulaski.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. McCORMACK of Massachusetts. Mr. Speaker, ladies and gentlemen of the House, among the names, which in the eighteenth century lent luster to romance and a dignity to history, few have come down to us with greater affection and attraction than that of Casimir Pulaski. His deeds and memory are forever enshrined in the hearts of Americans. Born in Podolia, Poland (the date stated in history is March 4, 1748, but this date is probably incorrect, because accompanying him to America was his son-in-law, Baron de Lovzinski, who had married Count Pulaski's daughter some years before), with rank and fortune—his father an able jurist, his family ancient and influential—his early years were spent in careful study, in the acquisition of a thorough military education and in the cultivation of those elevated principles which so signally distinguished him in after life. The history of time presents to its readers of to-day no person who had a stronger affection for free institutions of government. His life showed a genuine devotion to the best interests of his country, and his love for the land of his birth, once powerful in wealth, rank, prestige, and power, was evidenced by his years of constant resistance to the foot of the oppressors in their effort to destroy the independence of his glorious country. His life was dedicated to freedom; first, the freedom of his own people, and when numbers and internal dissensions of those who should have been fighting shoulder to shoulder with him overcame the resistance to the partitions of Poland and the destruction of its government, his liberty-loving spirit urged him to the New World, where he enlisted and died in the cause of freedom. Well has it been said that "his life was dedicated to liberty!"

By tradition he was imbued with the love of liberty and his hatred of oppression was the equal of his love for liberty.

Scarcely had he attained the strength and proportions of manhood when we find him with his father and brothers pledging their time, fortunes, energies, and lives to the glorious mission of accomplishing the redemption of Poland. It has been well said that Pulaski repudiated "the honors and emoluments which would certainly have been his had he courted Russian influence or sympathized with the schemes of the dominant party, sacrificing all interests of a personal and selfish character, laying aside every claim to promotion by virtue of acknowledged rank and family position, and devoting his patrimony to the furtherance of the cause of liberty and freedom of his people, entered the lists of the friends of freedom without pretensions, but with a strong arm and a determination to consecrate his every ability to the liberation of a land endeared to him by holiest ties." The vigor of his intellect, the wisdom of his plans, the fearlessness of his advice, and his courage were such that within a few months he became one of the acknowledged leaders of the patriots of Polish liberty. He fought for the regeneration of his country and for the preservation of the ideals of a noble people. "Never was there a warrior," said Rulhiere, "who possessed greater dexterity in every kind of service." He was a born leader of men. Intrepid in battle, he was gentle, obliging, sociable, never distrustful where he had once placed his confidence.

Realizing that the people of Poland could not hope by petition and argument to compass a peaceful assertion of their right to retain the quiet enjoyment of their homes, their ancient freedom, and their nationality, the Poles rose in armed defense. For years Pulaski and his gallant companions in arms stemmed the tide of invasion and of domestic dissensions. In this struggle of the few against the many, gallant and courageous as it is recorded in history, the end had to come. The best hopes of the Polish patriots were doomed to disappointment. The conspiracy of the three sovereigns, Russia, Prussia, and Austria, was at length successful. Her sons overpowered, scattered, slain, Poland lay prostrated at the feet of her oppressors. In this great conflict for Polish independence Pulaski had sacrificed everything. Even members of his own family and friends died. He witnessed the death of his grandchildren and the capture of his only living grandchild, an infant of 18 months of age. He even saw his daughter die. He was condemned as an outlaw with a price on his head. His possessions were seized and he was forced to leave his country. No nobler or braver patriot for the cause of his country ever lived.

Speaking of himself Pulaski once said:

> I regarded every moment as lost which was not employed in repelling the enemies of my country. My thoughts and actions have had no other end than the good of my country.

Still hopeful for the regeneration of Poland he went to Turkey seeking to enlist the aid of that country and to have them fulfill promises of assistance that had been made. Failing to enlist the sympathies of Turkey, after five years of effort, he abandoned that country for France. It was at a time when the French nation was warming toward America in generous appreciation of the impulses which led to our desire for separation and independence. Pulaski resolved to tender his military services to the infant Republic. It is quite probable that as Pulaski heard of this conflict for liberty and independence that was raging across the seas, he saw through its success the regaining of independence for his poor, stricken country. If so, his dreams and hopes long delayed have come true. Once again that proud and noble people have regained their right of self-government, and at least partly through the instrumentality of the infant Nation that Pulaski fought and died for.

Learning of his desire to offer his services, Franklin, then in Paris, favored him with an introductory letter to General Washington—

> Count Pulaski, of Poland—
>
> Read the letter—
>
> an officer famous throughout Europe for his bravery and conduct in defense of the liberties of his country against the three great invading powers of Russia, Austria, and Prussia, will have the honor of deliver-

ing this into your hands. The court here have encouraged and promoted his voyage from an opinion that he may be highly useful in our service.

In another letter Doctor Franklin said:

Count Pulaski is esteemed one of the greatest officers in Europe.

Pulaski arrived in Philadelphia during the early part of 1777 and joined the Army as a volunteer, and we find him with Washington, Greene, Wayne, Sullivan, and LaFayette at the Battle of Brandywine, striking his first blow in behalf of American independence. His gallantry, bearing, and military skill were such that toward the end of the engagement he was intrusted with the command of Washington's bodyguard. Four days afterwards he was commissioned by Congress as a brigadier general and assigned to command the Cavalry. In recommending Count Pulaski for this position, General Washington, in his letter to Congress, said:

This gentleman has been, like us, engaged in defending the liberty and independence of his country, and has sacrificed his fortune to his zeal for these objects. He derives from hence a title to our respect that ought to operate in his favor as far as the good of the service will permit.

Prior to the arrival of Pulaski, Cavalry as an arm of service had received comparatively little attention in the Continental Army. Until his appointment there had been no officer in that branch of higher rank than that of colonel. History records that with Pulaski, Cavalry was his favorite arm. It has been stated that—

He loved the broad blade, the bugle-call, the pawing steed, and the charging squadrons.

With this activity, his past military reputation has been most closely allied. Concentrating his squadrons, as far as practicable, small in numbers as they were, he inaugurated a system of exercise and discipline which in a short time developed such precision in drill and movement that his troop became the admiration of the Army.

At Warren Tavern, Germantown, Haddonfield, and elsewhere, he displayed his accustomed zeal and intrepidity, transferring to the battlefields of America the same devotion and heroism which had made his name so illustrious in Europe. The character of mind and the unselfishness which actuated his service in our cause, his willingness to make every personal sacrifice for the cause that aroused his enthusiasm and support, is best evidenced by his voluntary resignation of the command of the Cavalry of the Continental Army in order that misunderstanding and lack of harmony among certain officers might not exist. After his resignation, and around the middle of March, 1778, he returned to the main army, which was then located at Valley Forge.

Upon his own suggestion, which was adopted by Washington and sanctioned by Congress, Pulaski organized three companies of horse and three companies of infantry, known to history as the celebrated "Pulaski's Legion." This force rendered valiant services during the later war operations, particularly in the southern campaigns. This organization was recruited mainly from Baltimore.

In February, 1779, General Pulaski was ordered to South Carolina to assist in the defense of Charleston, during which, with his specially drilled legion, he rendered valiant service in its successful defense. It was the brilliant and unexpected attack made by Pulaski's Legion upon the British forces in their march to invest Charleston that caused such delay on their part as to enable adequate defenses and other plans to be made for the defense of the city. From the moment that the British forces started their retreat from the attempt to capture Charleston until their arrival in Savannah, Pulaski, although suffering from frequent attacks of climate fever, pursued the enemy, dealing them a blow whenever possible.

We now arrive to the time just preceding his unfortunate death, which, as Washington said, "was an irreparable loss to the cause."

The closing chapter of his career is to all of us a lesson of devotion to duty. Pulaski had borne a charmed life in his efforts to assure liberty to his loved people of Poland, and during the engagements of the Revolutionary War that he participated in, he escaped without wound or injury. The record of his death is brief. Count d'Estaing, admiral of the French Navy operating in American waters, with several thousand French troops appeared off southern shores in the early part of September, 1779. He had come for the purpose of cooperating with General Lincoln, commander of the Continental Army in that section, in some decisive enterprise, and the capture of Savannah was agreed upon.

A plan of attack was drawn, as a part of which General (Count) Pulaski was placed in command of the American and French Cavalry. It was while the attack was being made that Pulaski received the wound that resulted in his death a few days later. He dedicated his life to the cause of liberty. The life of Pulaski is a lesson to all Americans. General Lincoln in a letter to Congress dated October 22, 1779, refers to him "as the late intrepid Count Pulaski." General Washington said, "the count's valor and zeal on all occasions have done him great honor." His last words expressed on the battlefield before lapsing into unconsciousness were uttered in the line of duty and in the cause of American liberty. It was a command to an officer who had accompanied him when he left his legion behind to go forward in order to secure information as to the progress of the battle, when he said, "Follow my lancers, to whom I have given my orders of attack." A soldier and a patriot to the end! Pulaski, of Polish birth, died, an American, for the land of his adoption.

He came to these shores a stranger, of foreign birth, an alien as he would be called to-day, and his unselfish love of liberty and the cause of independence, the background of which was liberty; his services, sacrifices, and death should be a lesson to all of us. It should also be a lesson to those in this country who manifest by their actions or expressions a feeling of contempt, superiority, disdain, or any other feelings which are the origin of efforts, legislative or otherwise, which, no matter how honest the motive, will result in the imposition of unfair, oppressive, or persecutory conditions upon the foreign-born noncitizen residents of our country.

Pulaska was wounded October 9, 1779, and died October 11, 1779. On October 11, 1929, the great Commonwealths of Massachusetts, New York, Indiana, Wisconsin, Michigan, Ohio, South Carolina, Pennsylvania, Minnesota, Maryland, New Jersey, Illinois, Rhode Island, New Hampshire, Nebraska, Georgia, Missouri, and possibly other States, by legislative enactment, designated that day as General Pulaski's memorial day and in a fitting way honored his memory.

There are pending in Congress several House joint resolutions, which have been referred to the House Committee on the Judiciary, the purpose of which is to have the President proclaim October 11 of each year General Pulaski's memorial day, for the observance and commemoration of the death of Brig. Gen. Casimir Pulaski. Among some of the Members introducing resolutions are the gentleman from Massachusetts [Mr. GRANFIELD], the gentleman from Indiana [Mr. KUNZ], the gentleman from Indiana [Mr. HICKEY], the gentleman from Illinois [Mr. SABATH], the gentleman from New York [Mr. MEAD], the gentleman from Michigan [Mr. CLANCY], and probably other Members of Congress. The gentleman from Wisconsin [Mr. SCHAFER] has also introduced a House joint resolution relating to the two hundredth anniversary of the founding of the city of Savannah, and authorizing an appropriation for the construction of a permanent memorial to Brig. Gen. Casimir Pulaski, Revolutionary War hero. I have also received a number of resolutions passed by the city council, board of aldermen, or board of selectmen of a number of cities and towns in Massachusetts urging action on the part of Congress that will assure the honoring each year by the Federal Government of the name of Pulaski, and what it stands for, and the influence that it should exercise upon Americans of this and succeeding generations. The action taken by the legislatures of the 16 States that I have mentioned, together with the large number of resolutions introduced by so many able and distinguished Members of this body, coupled with the action taken by local bodies, indicate clearly and convincingly the great public interest that exists with reference to a proclamation each year by the President calling upon officials of the Government to display the flag of the United States on all governmental buildings on October 11 of each year and inviting the people of the United States to observe the day in schools and churches and other suitable places with appropriate ceremonies in commemoration of the death of such a noble patriot.

The people of the United States of all generations have always looked with sympathy upon the aspirations of the people of Poland to regain their liberty and right of self-government. To a great measure that feeling was due to the influences of the name of Pulaski. The people of Poland have recently regained their right to establish their own form of government. They are once again a free and independent people. The best evidence of the warm feeling that the people of America of to-day entertain for the new Government of Poland is the fact that on January 22, 1930, President Hoover signed the congressional resolution which raised the American legation at Warsaw to the rank of an embassy, and forthwith nominated as our first ambassador to Poland Alexander P. Moore, of Pittsburgh.

Concurrently with the change of status of the American legation, Poland took similar action in respect to its legation in Washington, and appointed Tytus Filipowicz to be the Polish ambassador to the United States. The honoring of the memory of our deceased heroes is a duty that we should never forget. The people of the United States are desirous of having the anniversary of the death of Casimir Pulaski, brigadier general of the Continental Army, properly and fittingly celebrated, and that the memory of his ideals, services, sacrifices, and death be honored each year. The House Committee on the Judiciary should give immediate consideration to the several resolutions pending and referred to that committee, and report favorably thereon as soon as possible. The passage of such a resolution by both branches of Congress will show that the Federal Government is not forgetful, except on rare occasions, of the services and sacrifices of Pulaski, who, denied liberty in Poland, the land of his birth, came to America, and paid the supreme sacrifice in the cause that gave birth to the institutions of government that we enjoy.

CALL OF THE HOUSE

Mr. RANKIN. Mr. Speaker, I make the point of order that no quorum is present.

The SPEAKER. The gentleman from Mississippi makes the point of order that no quorum is present. Evidently there is no quorum present.

Mr. TILSON. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The doors were closed, the Sergeant at Arms was directed to notify absent Members, the Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 25]

Auf der Heide	Doutrich	Johnson, Tex.	Seiberling
Beck	Doyle	Kading	Shreve
Black	Ellis	Lambertson	Smith, Idaho
Bloom	Eslick	Leech	Smith, W. Va.
Britten	Estep	Ludlow	Spearing
Byrns	Finley	McClintic, Okla.	Steagall
Cable	Foss	McDuffie	Stedman
Carley	Free	McKeown	Sullivan, N. Y.
Carter, Wyo.	Fulmer	McMillan	Sullivan, Pa.
Celler	Garrett	Montague	Taylor, Colo.
Chase	Goldsborough	Moore, Ky.	Tucker
Chindblom	Graham	Nelson, Wis.	Turpin
Clark, N. C.	Griffin	Newhall	White
Coyle	Hammer	O'Connell, R. I.	Whitehead
Cross	Hoffman	Oliver, N. Y.	Whitley
Crowther	Hudspeth	Rainey, Henry T.	Williams
Curry	Hull, William E.	Rowbottom	Wurzbach
Davis	James	Sabath	Wyant
Dempsey	Johnson, Ill.	Sandlin	Zihlman

The SPEAKER. Three hundred and fifty-two Members have answered to their names. A quorum is present.

Mr. TILSON. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

WORLD WAR VETERANS' LEGISLATION

Mr. JOHNSON of South Dakota. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 10381) to amend the World War veterans' act of 1924, as amended.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union, with Mr. MAPES in the chair.

The Clerk read the title to the bill.

Mr. RANKIN. Mr. Chairman may I ask how the time stands?

The CHAIRMAN. The gentleman from Mississippi has 2 hours and 2 minutes remaining, and the gentleman from South Dakota has 1 hour and 46 minutes remaining.

Mr. RANKIN. Mr. Chairman, I yield 25 minutes to the gentleman from New York [Mr. FISH].

Mr. FISH. Mr. Chairman and gentlemen of the committee, at the outset of my remarks I want to compliment the chairman of the Veterans' Committee for bringing into the House a bill providing for a very substantial amount of relief for the disabled veterans. There is nobody in the House of Representatives who has been a better friend of the disabled veterans, who has worked harder, or who has been more sincere in his efforts in their behalf, than the gentleman from South Dakota [Mr. JOHNSON]. [Applause.]

Any Member of the House, whether he be a veteran or a nonveteran, can vote for the Johnson bill that is pending with the knowledge that that particular bill as reported by the Veterans' Committee will render a great amount of much-needed relief to our disabled veterans.

At the same time I want to compliment the gentleman from Mississippi [Mr. RANKIN], another sincere friend of the veterans, who has made an extensive study of the problems of the disabled soldiers. He has given his time and energy in their behalf, and his name has become a household word to the disabled war veterans throughout the United States. [Applause.] He is offering for your consideration certain amendments, certain relief legislation that should be carefully considered on its merits by the Congress.

I have arisen here to-day to call the attention of the House of Representatives to the deplorable results of the emergency officers' act, for the passage of which I voted, and therefore am somewhat responsible.

It comes a little bit hard for a Member of Congress to take the floor and admit a mistake in voting for a piece of legislation that has turned out almost directly opposite from what he expected at the time.

I know that when I voted for the emergency officers' retirement bill I believed it aimed primarily to take care of the emergency officers who had received injuries in line of duty during the war and particularly those in combat units.

But if you analyze the way the Veterans' Bureau has handled this bill, and the awards that it has made under the provisions of the bill, it might be called a bill for the benefit of the Medical Corps, the Quartermaster Corps, and the United States Guards. These three branches of the service have received the highest number of awards proportionately.

For example, there are 199 majors of the Medical Corps who have been retired under the provisions of the bill and only 92 from the Infantry.

Mr. JOHNSON of South Dakota. Will the gentleman yield?

Mr. FISH. I yield.

Mr. JOHNSON of South Dakota. What is the annual pension secured by these majors?

Mr. FISH. The retirement pay under the bill is approximately $200 a month for officers of the rank of major.

Mr. RANKIN. Will the gentleman yield?

Mr. FISH. I yield.

Mr. RANKIN. That is the number retired with pay and many more have been retired and will probably be put on the pay roll if the bill is amended to that effect.

Mr. FISH. I have not got those figures. The gentleman is probably correct. It might be interesting to the House to have some information regarding the rank and branch of service of some of the officers already awarded retirement. For example, there were 27 lieutenant colonels of the Medical Corps who have been retired and only 22 from the Infantry. As I stated, there were 199 medical majors retired, and only 92 majors from the Infantry. There were 674 medical captains retired and only 440 from the Infantry. I am quite sure that I express the opinion of the House that that was not the purpose of the emergency officers' bill when it passed the House of Representatives to retire such a large proportion of officers in the noncombatant branches of the service.

Mr. LAGUARDIA. Mr. Chairman, will the gentleman yield?

Mr. FISH. Yes.

Mr. LAGUARDIA. Can the gentleman state how many of those medical officers were injured in combat? Of course, medical officers were assigned to the front.

Mr. FISH. I can state to the gentleman the number of medical officers that were killed in action. I have not got the figures of the injured or wounded. There were no medical lieutenant colonels killed. There were 4 majors and 17 captains killed in the Medical Corps. I do not want in any way to reflect on the remarkable performance of the Medical Corps during the war. They did their full duty and they deserve a great deal of credit for their service in the war in saving the lives of thousands upon thousands of wounded veterans, and particularly through the giving of typhoid and paratyphoid inoculations, thereby saving our troops from the ravages of disease. I have a high regard for the activities of the Medical Corps during the war and know that it contributed its full share in the ultimate victory.

Mr. FITZGERALD. Mr. Chairman, will the gentleman yield?

Mr. FISH. Yes.

Mr. FITZGERALD. I am wondering if what the gentleman from New York has just told the House in regard to the disproportionate number of medical officers retired under this bill is not an index of the methods of the Veterans' Bureau in all of our cases, and whether, if the matter were fully analyzed, it would not show the same discrimination in favor of medical officers all the way through? And does not the gentleman from New York think that because so much of the rating and consideration of the claims for compensation in the Veterans' Bureau is in the hands of medical men, and because so many of them are better skilled in presenting medical evidence they have a tremendous advantage under the present administrative system of the bureau?

Mr. FISH. Of course the gentleman is correct in that the medical officers have an advantage in presenting their cases,

but that does not refute the fact that the purpose of this bill is not being carried out and that most of us when we voted for the bill did so in an honest effort primarily to take care of the battle casualties. And before I get through I want to ask the introducer of the bill [Mr. FITZGERALD], a great friend of the veterans, if he will help me secure an amendment to the bill, first, to take care of the 5,000 provisional officers, 90 per cent of whom I should say at least served on the front lines in combat divisions, mostly in infantry regiments, and include them under this bill, where they should have been originally, whereas to-day they can not get any retirement pay under any law.

I would also like to know whether the gentleman from Ohio would agree to an amendment to take away the retirement pay from those officers who are being retired under the presumptive provisions in accordance with the ruling of the Attorney General, who changed the bill entirely from direct connection with war disabilities under his ruling into one of presumption?

Mr. FITZGERALD. Mr. Chairman, I am glad to answer the gentleman. In the first place, I shall be very happy to assist in any amendment to the disabled emergency officers' retirement act which will extend the benefits of the act to any kind of officer who has not had the advantages provided in the law. As I understand it, there were nine classes of officers in the World War. Retirement had been provided for eight of the classes when this particular law which the gentleman from New York is discussing was passed. The law was to take care of the last and only neglected class of officers—emergency Army officers of the World War.

At the request of one of the Senators, those naval officers who had not taken advantage of the opportunity theretofore given them were included in the bill. If there are any provisional officers who did not take advantage of their opportunity, I would be happy to have the bill amended so that they might have an opportunity, because they have already had one. I may say that every provisional officer living in the third congressional district of Ohio who has had a claim for retirement, to the best of my knowledge and belief, has been retired. I do not know of a single provisional officer with a claim for retirement who has not been retired.

Mr. FISH. Let me say to the gentleman that that can not be correct, because there is no law under which provisional officers can be retired. They can be retired only under the act of July 9, 1918, passed during the war, and under that they could have been retired; but they had to be in the Regular Army at the time. The minute they severed connections with the Regular Army as provisional officers after the war there was no way for them to secure retirement.

Mr. FITZGERALD. I know they were retired. They were retired up to a year before this bill was passed.

Mr. FISH. I am sorry to say that the gentleman is wrong.

Mr. FITZGERALD. I know it because of officers in my own district, and I can give the gentleman the names.

Mr. FISH. Then a mistake has been made. I believed exactly what the gentleman now believes 24 hours ago, but I have spent the last 24 hours digging up information about the matter both from the War Department and from General Hines, and two or three other sources, and I have letters from General Hines and from The Adjutant General of the Army stating that there is no way for any provisional officer to be retired.

Mr. FITZGERALD. Then the gentleman is proposing what he has objected to, and that is the presumptive feature. Every provisional officer was entitled to retirement if disabled when he was discharged from the service. If he had a disability, he had a right to retirement. Under your proposal a provisional officer in full health at the time of discharge must now rest any claim for retirement under any law we pass upon a presumption that, in spite of the records, he was, in fact, disabled instead of in complete health at the time of his discharge.

Mr. FISH. Let me tell the gentleman that the rulings under the United States Army retirement system are different from under the law he proposed. It is not a question of 30 per cent disability.

Mr. FITZGERALD. Twenty per cent has been recognized as a sufficient degree to justify retirement in the Regular Army, and this was an opportunity offered to the provisional officers.

Mr. FISH. All these provisional officers are the ones who ought to be taken care of, because they went into these Regular Army divisions in order to see fighting on the front lines, and found plenty of it.

Mr. FITZGERALD. I will challenge my friend from New York to find in my district a provisional officer disabled in service who is not retired, and I do not know any in his district.

Mr. WAINWRIGHT. Mr. Chairman, will the gentleman yield?

Mr. FISH. Yes; I yield to the gentleman from New York.

Mr. WAINWRIGHT. I think this question would be of interest to the House: Among the emergency officers who had the benefit of this emergency officers' retirement act, how many had combat service, and how many had not combat service?

Mr. FISH. I will try to answer the gentleman. My colleague asks me how many of these emergency officers had combat service, and how many had not?

Mr. WAINWRIGHT. Yes. The law was passed primarily, as I understand, for those who had had combat service.

Mr. FISH. The branch of the service which had the highest percentage of retirement awards was the United States Guard. None of them went abroad; their duty was to guard bridges and factories in the United States. The next highest was the Medical Corps and then the Quartermaster Corps. Does that answer the gentleman's question?

Mr. WAINWRIGHT. Absolutely. So far as receiving benefit under that act was concerned, apparently it was a distinct advantage not to have gone overseas.

Mr. FISH. The explanation of the Veterans' Bureau is that men who served at 50 years of age can more easily find and prove a 30 per cent disability.

Mr. WAINWRIGHT. One further question on another subject.

Mr. FISH. Very well.

Mr. WAINWRIGHT. As I understand, the gentleman, in his colloquy with the gentleman from Ohio [Mr. FITZGERALD], raised the question whether some of these young men, the flower of the personnel, those who commanded platoons or companies, and the question was asked whether emergency officers who technically had regular commissions should be deprived of the benefit of this act, or whether it should be extended to such officers who were technically regulars, but, as a matter of fact, were the products of the training camps and who had gone into the training camps with no intention of making the Army their permanent career.

Mr. FISH. I regret I can not yield further.

Mr. WAINWRIGHT. But your answer is in the affirmative.

Mr. FISH. Absolutely; yes.

Mr. HILL of Alabama. Mr. Chairman, will the gentleman yield there?

Mr. FISH. Yes.

Mr. HILL of Alabama. There are a number of bills now pending in the Committee on Military Affairs in behalf of men seeking retirement on the same basis as the emergency officers who had opportunity to retire under the terms of the Fitzgerald bill.

Mr. FISH. Well, I do not want to argue with the gentleman from Ohio [Mr. FITZGERALD], because the facts speak for themselves.

Mr. MOORE of Virginia. Mr. Chairman, will the gentleman yield?

Mr. FISH. Yes.

Mr. MOORE of Virginia. How does the gentleman explain what he seems to be asserting; that is, that the emergency officers' retirement act has been grossly maladministered?

Mr. FISH. The first difficulty is that I am afraid that act was unscientifically drawn up in the House and in the Senate of the United States; that it did not carry out exactly the purposes of the membership of the Congress; and the second difficulty, and possibly the main difficulty, is that the comptroller ruled that disability directly due to the war service should be ignored, and that the presumptive provision should be included, and that about doubles the number of officers eligible to retirement under the terms of the act, and instead of its costing $4,000,000, as predicted, it is costing approximately $9,000,000.

Furthermore, as pointed out to you, the medical officers are, as a rule, older, and they have better means of keeping their record in order to be retired. But there must have been something wrong in the Medical Corps during the war when we find that so large a proportion have broken down and have secured retirement under the provisions of the emergency officers' act. And there must be something wrong in the Veterans' Bureau if so many medical officers can qualify for that amount of physical disability. But there is one man that I want to absolve from responsibility, and that man is General Hines. The bill was thrust upon him, and he did what he could at the time the bill was vetoed by the President to point out its inconsistencies and difficulties from the point of view of an equitable administration. He has, however, been trying to follow out the requirements of the law, and nobody can hold him responsible for failure to obey the law.

Mr. JOHNSON of South Dakota. Mr. Chairman, will the gentleman yield?

Mr. FISH. Yes.

Mr. JOHNSON of South Dakota. Is it not true that the additional expense was caused very largely by the Attorney General's decision under date of January, 1929, and not by the comptroller or the Veterans' Bureau?

Mr. FISH. Yes. It was the ruling of the Attorney General that almost doubled the cost of the bill, because he held that it made no difference if the emergency officers had disabilities connected with the war service or not. It was not the intention of Congress at that time that any officer should be included that did not have a direct war injury.

Mr. FITZGERALD. Does not the gentleman remember that when this bill was debated in the House I was called upon for an explanation and interpretation of the bill? I will ask the gentleman whether I did not say positively that the bill was so framed as not to include presumptive cases?

Mr. FISH. Yes. That was stated by the author of the bill, and that is why I voted for it. The Attorney General has gone directly against the intent of the Congress of the United States in making this ruling, and now the question comes up whether the Congress should not enact an amendment to this bill to take away that interpretation and restore the original purpose of the emergency officers' retirement bill as passed by Congress.

Mr. JOHNSON of South Dakota. Mr. Chairman, will the gentleman yield there?

Mr. FISH. Yes.

Mr. JOHNSON of South Dakota. The gentleman will find that the gentleman from Mississippi [Mr. RANKIN] and the gentleman from Michigan [Mr. WOODRUFF] and the gentleman from Nebraska [Mr. SIMMONS] and the gentleman from Missouri, as well as myself and others, said that this bill would be construed as it has been construed, and that it was so written that it would be so construed.

In other words, there was ample justification in the debate for the Attorney General to hold as he did.

Mr. FISH. Now that the gentleman has developed that and it is admitted by the proponents and opponents of the bill, why is it not the duty of the Congress to offer an amendment in the proper place to take away the presumptive provision, or, rather take away the retirement granted under the ruling of the Attorney General?

Mr. JOHNSON of South Dakota. Will the gentleman yield?

Mr. FISH. I yield.

Mr. JOHNSON of South Dakota. Perhaps such an amendment would be out of order in the bill, but I serve notice now that if the gentleman from New York [Mr. FISH] can propose any amendment which will tend to cure the defects in this legislation I shall not make a point of order.

Mr. FISH. I assure the gentleman from South Dakota [Mr. JOHNSON] that I will offer that amendment, whether it is germane or not, and I will assure the gentleman that I will try to prove that it is germane, under the ruling of the court of appeals, which says the emergency officers' act is part and parcel of the relief under the veterans' relief legislation.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. FISH. I yield.

Mr. LAGUARDIA. The gentleman weakens his argument when he goes out of his way to say that he absolves the Director of the Veterans' Bureau of all blame in the maladministration of this law. I am just as fond of General Hines as the gentleman is, but General Hines is the man whom Congress must hold responsible for the administration of the law.

Mr. FISH. Of course, General Hines can not be held responsible for a ruling of the Attorney General of the United States.

Mr. LAGUARDIA. But everything except that.

Mr. RANKIN. Will the gentleman yield?

Mr. FISH. I yield.

Mr. RANKIN. The responsibility for this entire thing rests with the Congress of the United States in passing the bill. When this bill was passed, the gentleman from Ohio [Mr. FITZGERALD] said it was a "pension based on rank." We who opposed it knew what it was. We said then you were simply getting the camel's nose under the tent to fasten upon this country a policy of pensioning officers at from six to ten times as much as you compensate the men in the rank and file suffering from the same disability. They said to us at that time that there were only 1,800 who would come in under it.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. RANKIN. I yield the gentleman five additional minutes.

The CHAIRMAN. The gentleman from New York is recognized for five additional minutes.

Mr. RANKIN. We pointed out then that this could be extended and construed in such manner that ultimately the majority of them would come in under it, and to-day, instead of 1,800 we have approximately 6,000 on the roll, with pay according to the report from which the gentleman has quoted.

Mr. FISH. Instead of costing $4,000,000 it already costs $9,000,000 and probably will cost $1,000,000 a month in a short time. An officer was given retirement pay who fell off of a rocking chair on his own piazza and hurt his ankle, and has been retired at the expense of the taxpayers because of that particular wound. I am not quoting any names, but I know what I am talking about.

Mr. HOUSTON of Hawaii. Will the gentleman yield?

Mr. FISH. I yield to the gentleman from Hawaii, because he is the gentleman who called my attention to the plight of the provisional officers.

Mr. HOUSTON of Hawaii. Will the gentleman state how many officers there were who held these provisional appointments and how many have been retired?

Mr. FISH. There were approximately 5,000 of them, and they were the flower of our Army. They were the ones who fought in the platoons and companies of combat units abroad. They are the ones to whom the American people made promises and pledges that there was nothing too good for them when they returned, and now they are the only ones left without any means of securing retirement pay because of their war injuries.

Mr. HOUSTON of Hawaii. How many have been retired?

Mr. FISH. Only 75 retired by the Regular Army. That is not the fault of the Regular Army. That is the fault of the law, because after they left the Regular Army in 1919 they ceased to be eligible for retirement no matter how aggravated their wounds became.

Mr. WAINWRIGHT. Will the gentleman yield?

Mr. FISH. I yield.

Mr. WAINWRIGHT. I simply want to say that I believe I express the opinion of this House when I say that my colleague from New York [Mr. FISH] has performed a great service in precipitating this debate on this important bill. [Applause.]

Mr. SNELL. Will the gentleman yield?

Mr. FISH. I yield.

Mr. SNELL. I had a great deal of disagreeable notoriety in connection with this bill; but, as I understand the provisions of the bill, a man could only be retired for disability incurred in service.

Mr. FISH. That was the purpose, and that is the wording of the law, and it has been changed by a ruling or opinion of the Attorney General of the United States, who has included the presumptive provision, and to-day I think about 40 per cent of the officers receiving retirement pay come under that provision or, rather, the ruling of the Attorney General.

Mr. PATMAN. Will the gentleman yield?

Mr. FISH. I yield.

Mr. PATMAN. It is also true that the provisional officers were denied adjusted compensation certificates, is it not?

Mr. FISH. They were denied that, and all the other provisions of the law that applied to emergency officers or volunteer officers. They were part and parcel of the Regular Army and were considered as such, in spite of the fact that they only entered the regular service for the war. They were superpatriots. They wanted to get to the battle front as quick as they could, and they took this means of getting there. They are the ones whom Congress has ignored and to whom the Nation owes the most.

I would like to digress from the consideration of this bill one moment. I am going to offer an amendment to include provisional officers, 5,000 of them, and to take away the presumptive provision which has already retired a considerable number of officers under the emergency officers' act.

Mr. SNELL. Will the gentleman yield?

Mr. FISH. Yes.

Mr. SNELL. How would the gentleman take care of the ones who have already been retired?

Mr. FISH. I would simply offer an amendment to this bill to clarify the meaning of the emergency officers' retirement bill when it passed Congress, and if any officer has been awarded retirement pay contrary to the original purposes of the law, he will not continue to receive such retirement.

If I may be permitted, I would like to digress for a minute and speak of a very small amendment which ought to be satisfactory to all the Members of the House, and that is to provide the sum of $8 a month to all veterans now hospitalized in Veterans' Bureau hospitals, so that those boys—most of whom are to-day without any funds at all—can buy cigarettes, telephone to their families, buy postage stamps, and other necessities.

The CHAIRMAN. The time of the gentleman from New York has again expired.

Mr. LUCE. Mr. Chairman, I yield the gentleman five additional minutes.

Mr. FISH. In the present bill they have a very adequate provision to take care of the dependents of the uncompensated veterans. They give to the wife $30 a month, to the first child $10 a month, and to the additional children $5 a month. However, none of that money goes to the veteran in the hospital. So, if other amendments are not adopted, for instance, if the Rankin amendment is not adopted, and if the Fitzgerald amendment—which extends the presumptive provision to 1930, and practically includes all the veterans in the tuberculosis hospitals—is not passed, I hope the House will unanimously adopt an amendment giving $8 a month to the uncompensated veterans so that they may have the necessities of life. Not only is that the right, fair, and just thing to do, but beyond that it is a very unwholesome condition to have poverty-stricken veterans alongside of other veterans, and breeds a great deal of discontent. It will cost only $800,000 a year. I intend to offer that amendment if these other amendments are not adopted.

In conclusion, I want to ask the House to consider this emergency officers' bill from the point of view of the time when it originally passed the Congress, and try to restore that bill to its original purpose by amendments to the bill that is now pending. I propose to offer two amendments to carry that into effect. I hope the Members of the House will consider them fairly on their merits and restore the emergency officers' bill to its original purpose. [Applause.]

Mr. LUCE. Like every other Member of the House, I have been disturbed and at times distressed by the failure of the existing law to work even-handed justice among the veterans. For that reason, as a member of the Committee on World War Veterans' Legislation, I have felt an especial responsibility to share in trying to remedy this injustice. I have given my support to the present bill and hope it may become law. It is not a perfect bill. No great bill that passes this Congress is ever a perfect bill. Legislation must be matter of compromise. On the one hand, we find those who say we have gone too far; on the other hand, those who say we have not gone far enough. We believe we have reached a conclusion upon which all may stand, one in the support of which every Member may grant some concession, may yield somewhat in his beliefs as to what should be done.

Let me first face the most serious criticism that has been made of the bill. It is to be found in the letter from General Hines to Chairman SNELL, of the Committee on Rules, printed in the RECORD in the early part of this debate. There you may find some objections that are valid, but to which countervailing considerations may be offered. You may find other objections with which I take issue. I would dispose of one or two of them before proceeding to the main problem before us, and I do this because these considerations have not been particularly emphasized. First, is the charge that we are instituting a pension system by furnishing the means of existence to the dependents of hospitalized veterans. I deny this is a pension, and I deny it is unwise. I maintain it is a proper, an advantageous, and a humane provision. [Applause.]

There came before the committee the man who represents the medical views of the Veterans' Bureau. He told us that before he was attached to the bureau he had served with the Pennsylvania Department of Health. In Pennsylvania there were three sanitoria for the care of the victims of tuberculosis, and here are his exact words about his experience there:

> Our greatest difficulty came about in trying to take care of the dependents.
>
> It was found that homes were broken up; that wives and children had to depend upon charity, public or private, for support. All this discouraged the unhappy victim of disease and delayed or even prevented his recovery. This was not only an injury from the humane point of view but looking at it from the purely material point of view, of dollars and cents, it was a wise thing to keep these families together and to support the dependents. No greater economic gain can come to a nation than to save the lives of its citizens; no greater gain than to prolong their lives. If it was a fact, as this physician found from experience and declared to us, that the giving of a small amount which would keep the family together, conduced to the recovery of the victim, restored him to society, and made him again the producer of this world's goods, then it was an advantage and an economic benefit to the community. If that be true, then this is no pension. [Applause.]

Let me go on to a misunderstanding on the part of some Members of the House. The gentleman from Oklahoma [Mr. JOHNSON] in the course of his remarks said that the pending bill would refuse to recognize more than 40,000 tubercular and mental cases merely because they did not file their claims before 1925. He was in error. The time for filing claims expired two weeks ago. This bill destroys all time limits. We are criticized for that in the document to which I have made reference in connection particularly with claims in insurance matters. We are told that one of the defects of the bill is that it extends the time for prosecuting suits in the matter of insurance claims. I have grave doubt whether it is fitting, just, and proper to apply to the relations between the Government and its citizens in this particular the same rules that apply to the relations between the citizens themselves. I have my doubt whether we here in Congress, in several of our committees, use the right standard when we reject what are known as stale claims. It has seemed to me that a claim against the Government ought never to lose its vitality. It has seemed to me that the Government might rightly and fairly refrain from imposing any statute of limitations or asserting unto itself any prescriptive rights. So I doubt if this impeachment of the bill is valid.

Of course, the important consideration, from the point of view of the interest of the Members, lies in what are known as the border-line cases that have so distressed us and have so disturbed the communities where they are to be found.

I grant you at the start that hard cases make bad law. I fear there will be offered to this bill amendments founded on hard cases that are very few in number and where the equity of the thing may not be fairly considered under the conditions of reading under the 5-minute rule. Yet all of us have come in contact with so many hard cases seeming to show injustice that the committee felt obliged, in response to the demand of this House, to the demand of the country, to try to remedy the situation.

To this end we have put in one provision upon which altogether too little emphasis has been placed. It is in the final sentence of the first section of the bill, which authorizes, empowers, directs the bureau to consider lay evidence—the testimony of neighbors, of friends, of comrades, the remembrances of doctors which they can not support with medical records. Of course, we all know that in the war medical records were loosely kept and sometimes disappeared. We all know the great difficulty in getting the medical evidence that the bureau requires, and just so far as human ingenuity can go and the use of words will make possible we have provided that hereafter all the proofs and evidence, medical and lay, shall be considered.

Mr. CONNERY. Will the gentleman yield there?

Mr. LUCE. May I proceed until I finish my remarks? I shall try to cover such questions and points as may be raised.

Having disposed of a great share of our difficulties by this single and simple provision, we are brought next to the problem of what to do in the matter of cases that can not be directly connected with service, the matter of presumptions, a point around which our whole difference of opinion revolves. I want to try to clarify the minds of the Members as to some of the difficult phases of this situation.

First, legislation enacted while the war was in progress, the war risk insurance act of 1917, said that disease which developed within one year after discharge or resignation should be presumed to have originated in the service. This was a logical provision. This is what the medical testimony supports. It was sound and right.

The moment we went beyond one year we began to invite trouble.

In 1921 a committee of this House recommended that in the case of tuberculosis, and what we of the committee have become accustomed to call neuropsychiatric disease, but which to the layman is still known by the term of "insanity," provision was made that if the illness developed within two years the applicant would not be denied. This is where the first mistake was made. It was not made as a result of the recommendation of the World War Veterans' Committee. That committee did not then exist. It was advised by one of the most prudent, conservative, valuable committees in this House, and theirs is the responsibility for the beginning of a growth, a development, which now so sadly perplexes us.

In 1923 this same committee recommended that the two years be changed to three years. Still the responsibility was theirs.

The present committee was created in 1924. We took what we found and we went further. Possibly we were at fault in that matter. We will take our share of the criticism, but we did not begin this progress. We did, in fact, extend the time to January 1, 1925, making for most of the men who were in the expeditionary service the period five or six years in which the development of symptoms would indicate origin of the disease as to be ascribed to the war.

Mr. JOHNSON of South Dakota. Will the gentleman yield for just one question?

Mr. LUCE. Oh, certainly.

Mr. JOHNSON of South Dakota. The gentleman will recall that in adopting that amendment we simply accepted a Senate amendment. It did not originate in the House.

Mr. LUCE. That lessens still more the responsibility of the present members of the Committee on World War Veterans' Legislation.

Mr. CONNERY. Will the gentleman yield just to clarify one matter?

Mr. LUCE. Yes.

Mr. CONNERY. I do not think the gentleman meant the A. E. F. when he referred to the American Expeditionary Forces. My understanding is that term is applied merely to the men who were in France. We did this for all the service men.

Mr. LUCE. I understand my statement covers all veterans.

Mr. CONNERY. The gentleman said the A. E. F., and that is the technical term for the men who were in France.

Mr. LUCE. I thank the gentleman for his explanation.

Mr. ALMON. What committee reported the Sweet bill and the other bills the gentleman has referred to?

Mr. LUCE. I do not want to specify the committee. If the coat fits any one committee, they can put it on.

The reason I say this was an error is that all this procedure has been directly contrary to sound medical opinion. It has resulted from a natural sympathy with the most distressing forms of human suffering. As the physician who came before us from the medical bureau said:

> One finds no scientific basis for such presumptions, and it would appear that the argument which supported the legislation was not scientific knowledge but rather the voice of the public which seemed to interpret the seriousness and utter hopelessness as to life and care of the tuberculous and neuropsychiatric; that the prognosis was hopeless and led to an early grave.

It was sympathy that led to this error. We yielded to the heart and we did not allow the mind to function. We forgot that more, in number, than those suffering from these two diseases were the helpless victims of many other diseases, equally fated to an early grave, equally to leave behind them widows and children, men who deserved our sympathy just as much, but to whom, through all these years, it has been denied.

The absolute injustice of this appealed to your committee, and we said we will treat every veteran alike, we will give fair play to every veteran who is suffering as a result of service for his country.

So we brought in this bill to you, saying that every veteran who can show that his symptoms of disease appeared before the 1st of January, 1925, shall be entitled to what we have so unfortunately called compensation.

We never can compensate a man for suffering. Pain can not be measured in dollars. We never can compensate the widow or the children brought up fatherless—their suffering can not be compensated in dollars. In a rough, crude, unsatisfactory way we attempt to give aid that is measured in some degree by the earning capacity of the victim and the loss brought to his dependents by being deprived thereof.

Mr. CONNERY. Will the gentleman yield?

Mr. LUCE. Yes.

Mr. CONNERY. I want to say that although the gentleman and I may not agree on this legislation, no man has worked harder since he has been a member of the Committee on Veterans' Legislation than my colleague from Massachusetts [Mr. LUCE]. A little while ago the gentleman spoke about lay evidence. We were talking about that a minute ago, and some Members of the House called attention to the testimony of General Hines, who told us that he had given orders for the rating board to take lay evidence, but they had not done it. Now in the language we have in the bill, does the gentleman think it is strong enough so that they will take it, and can the gentleman suggest any remedy to make them take lay evidence?

Mr. LUCE. I will tell the gentleman that if the Veterans' Bureau does not follow the orders of Congress we will wipe the Veterans' Bureau off the face of the earth. [Applause.]

Mr. OLIVER of Alabama. Will the gentleman yield?

Mr. LUCE. I will.

Mr. OLIVER of Alabama. I think at that point of the gentleman's speech, and sustaining the statement that the gentleman makes, it might be well to read the statement of General Hines in reply to the gentleman from New York [Mr. SNELL]. It is as follows:

> No doubt the committee had in mind, by further broadening the presumptive clause of the present World War veterans' act, taking care of a number of cases which they feel are meritorious and which the law at this time does not cover. If it was only the intention of the committee to take in border-line cases, they have in some measure accomplished that by the first section of the bill by including in that amendment the provision that the bureau will give due regard to lay and other evidence not of a medical nature in connection with the adjudication of claims. The bureau would interpret that provision as sufficiently broad to permit liberal adjudication of border-line cases.

Mr. LUCE. We all hope and pray that such will be the case. Some Members may still have some apprehension. We have gone as far as words can go, and if words do not accomplish the result we will have action. [Applause.]

Mr. RANKIN. Will the gentleman yield?

Mr. LUCE. I yield.

Mr. RANKIN. The fact is that the Veterans' Bureau has ignored this lay evidence, and these men are dying as a result. The only way we can cure that now is to move the presumption period up and put these men on the roll.

Mr. LUCE. In the due course of my remarks I intend to demolish the gentleman's theory in that respect, but I have not yet arrived at the murder stage. [Laughter.]

Now a little discussion of the two presumptions with which we began. First the neuropsychiatric presumption. I trust that my friend from Massachusetts will not think me ungrateful or ungracious if I refer to a remark he made that I think must have been a slip of the tongue, but taken literally would lead to misunderstanding on the part of those outside of the House who may read the RECORD. He said on the 17th of April:

> These men are going insane daily and certainly they are not going insane from anything except from direct connection with their service.

Bearing on this there is dreadful significance in an appalling fact to which I would call your attention. I can not find words to portray to you its full menace. A recent report of the committee on the cost of medical care, relating to "the extent of illness and of physical and mental defects prevailing in the United States," contained the terrible statement that of the children now attending school and college in the United States, more than 960,000 will enter a hospital for mental diseases at some time in their lives if present rates for admissions continue. Nine hundred and sixty thousand boys and girls now attending school and college are doomed to enter the doors of an asylum for the insane!

As a matter of fact, such computation as I have been able to make by a study of the figures presented by the Veterans' Bureau indicates to me that the number of the mentally disturbed now hospitalized in our veterans' institutions corresponds in percentage almost exactly to the number of the civil population hospitalized in civil institutions. The inference is inescapable that no man who served in the Army runs a greater risk of going to one of these hospitals than does his neighbor who stayed at home. There is no presumption that any case of this sort now arising had its origin in service in the war.

Mr. CONNERY. Mr. Chairman, will the gentleman yield?

Mr. LUCE. Yes.

Mr. CONNERY. The gentleman is talking about possible future cases of insanity now in the schools and colleges of the United States. The gentleman knows that every man who was taken into the United States Army during the World War was supposed to be physically and mentally perfect, and that the morons were excepted. Even if we did take in men who were predisposed to insanity, when they got over to France under shell fire, airplane bombs, machine guns, and the other horrors of warfare, is it not natural to suppose that within 7 or 8 or even 10 years after the war this could have been brought on by the terrible conditions of their service in France?

Mr. LUCE. All the medical testimony is to the contrary. In the case of these figures that I have given, the report says that this includes only the more serious mental cases, and takes no account of the large number with a lesser mental disturbance. They are the more serious cases, mind you. The probabilities are that the mental breakdown of a veteran is in no way related to service in the Army. So much for that part of our error in the matter of presumptions.

Take now the other great class—tuberculosis. At this moment there are approximately 700,000 persons in the United States suffering perceptibly from tuberculosis. That constitutes 0.58 per cent of the total population. Of those who served in the war and still survive 0.58 per cent would number 24,476, which is probably not far from the total that the figures of hospitalization and those believed to be ill outside would show.

Again let me quote from our medical testimony, for we do not rely upon the Encyclopedia Britannica as we were urged to do yesterday. We rely upon the facts under our eyes, upon the testimony of our medical experts, whose daily labors, whose lives are devoted to the study of this question here, and not in England or anywhere else. So, having been told, as you were yesterday, that the seeds of tuberculosis may not ripen for many, many years, I shall read to you what our own medical expert said:

There is no scientific evidence to show that active tuberculosis that does not show within a year of discharge can, from a scientific standpoint, be said to have originated in the service.

Mr. KVALE. Mr. Chairman, will the gentleman yield?

Mr. LUCE. Yes.

Mr. KVALE. The hearings also contain testimony by a medical expert of the American Legion, who was formerly an employee in the bureau, Doctor Shapiro, that is quite contrary to the testimony the gentleman quotes, and the hearings also contain other medical evidence that would at least lead us to believe that that is a debatable matter, that it has two sides.

Mr. LUCE. To satisfy myself on that point, I have, since the hearings, consulted other medical testimony, and I think I am supported in what I am about to maintain and explain. To me the most dangerous argument so far, by reason of its pertinence, its brevity, and conciseness, was made by my friend from Missouri [Mr. LOZIER], whom I see at my right, who put into language what, until these hearings were held, had been my own belief. I was astonished at this testimony, because presumably, like most other men, I had always supposed that disease might originate far back in our lives. The gentleman from Missouri told you that the philosophy or the reason for the presumptive clause is based on the well-recognized theory in medicine that disease might start as far back as the period of the war. That had been my belief. I found it very hard to abandon that belief.

That had been my own belief until these hearings forced me to conclude that the popular common understanding is wrong. The new science of medicine, the study of bacilli—germs, as we call them—the scientific application of the bacteriological and physiological discoveries that have been made in recent years have combined to prove that many of our old beliefs about health, sanitation, and medicine were wrong; and here is one that is wrong. After my friend from Missouri had delivered what I thought the most dangerous argument presented on the floor in this matter, I went to a man of high standing in the medical world and I said, "How shall I answer that? This colleague of mine points out what I had thought was true, that service in the Army weakened resistance, that any man who served there under the hardships of battle conditions, in the camps and the trenches, had become less capable of resistance, that all through his life he would be more liable to be afflicted with disease, and that his days might be shortened because for a time he lived under the conditions of war."

He said that this is the answer: If a man's power of resistance has been weakened by the conditions of his life or by stress of any sort, then he is at once exposed to greater danger from the countless germs that are always threatening him. His resistance is weakened now. It is not weakened 10 years later, but is weakened at once. If he succumbs to these germs by reason of weakened resistance, that will be shown within four or five years.

There was the justification for carrying this presumptive period up to 1925.

Mr. JOHNSON of South Dakota. Mr. Chairman, will the gentleman yield there?

Mr. LUCE. Yes.

Mr. JOHNSON of South Dakota. I would like to call the gentleman's attention to the fact that Great Britain and Canada are now making a distinction between groups of service men, holding that greater liberality should be given to the consideration of claims of those men who were in the active theater of war.

Mr. LUCE. We would have done far better if we had applied that principle at the outset. But unfortunately we allowed part of the men, whether they went overseas or not, whether they served one week or two years, to advance the proposition that their powers of resistance had been weakened by the war, and for them we gave five years in which the development of certain types of disease should insure special consideration.

See where that brings us. If a man's power of resistance has been weakened in the war, he is to-day more likely to suffer from an acute disease—not to say an organic disease, but an acute disease—like pneumonia, or perhaps 40 other diseases that I might mention. If you are to reason upon the basis of weakened powers of resistance, you can not stop without going the whole distance and saying that every man of the 4,200,000 yet living, if he is attacked by a disease, is to be assumed to have succumbed to it by reason of his weakened powers of resistance.

Statistics show that on the average a man loses from seven to eight days of working time every year by reason of illness. That is the average; a week and more of working time lost by reason of illness. And so in accordance with the average, each of the 4,200,000 men enrolled in the World War may be expected to have that amount of illness every year. If you are to apply to them your weakened-power-of-resistance theory, and ascribe to it the responsibility in every instance, you may figure for yourself what it would cost.

Mr. LOZIER. Mr. Chairman, will the gentleman yield there?

Mr. LUCE. Yes.

Mr. LOZIER. Is it not true that the weakened physical condition or reduced power of resistance may be progressive and manifest itself gradually, and may not necessarily run an acute course? The prognoses of diseases are never the same in different subjects. Experts in medicine tell us that the tubercular bacillus is omnipresent, millions entering the human body through the alimentary canal; but a person may go through life without the bacilli ever developing or becoming active or virulent; and, in fact, they will never develop until there is a lowered vitality; but there may come a time when a person's power of resistance is gradually weakened to such an extent that it will furnish a seed bed for the incubation of the bacilli; and it does not necessarily follow that because a person's vitality has been impaired that he breaks down immediately, but the climax resulting from this reduced power of resistance may not come for months or years, not, in fact, until there is an immediate exciting cause. Is not that true?

Mr. LUCE. If the gentleman's logic is correct, then this proposal to extend the presumptive clause is surely illogical, because a man will be more likely to break down in 1935 than in 1930 and more likely to break down in 1940 than in 1935. And that logic brings us to this conclusion, that every man who was in the Army shall be fed and nursed at the public expense whenever he is ill. Furthermore, that once having been ill and to a small degree disabled, he shall thereafter receive a money payment every month, and upon his death his widow and dependent children likewise. Possibly that logic may be sound, but it would be futile. No government could be expected to endure the burden.

Mr. SIROVICH. Mr. Chairman, will the gentleman yield right there?

Mr. LUCE. Possibly further in my remarks I may contribute to the gentleman what I think the gentleman does not greatly need, namely, information on the matter as to which he would inquire.

Mr. SIROVICH. Will the gentleman yield for a question?

Mr. LUCE. Let me finish my orderly remarks first, and then I will take up what may be termed my "disorderly remarks." [Laughter.]

I want to advance another consideration, as to whether a man was more exposed to disease when he went to the front. Do you realize that between October, 1917 and 1919, the number of deaths in this country in excess of the normal was 500,000, which may for the most part, perhaps altogether, be attributed to the influenza epidemic? The physician who testified before the committee said:

While we did have in the Army a high death rate from influenza, I do not think that it equaled the death rate in civil life.

I am not sure he was quite right in that, but whether right or wrong, his opinion may demonstrate to you that the dangers of military life were by no means so overwhelmingly greater than those in private life as to warrant their use as a basis for presumption.

We favored the tubercular and mentally afflicted groups. They constitute about 45 per cent of the total load, leaving about 55 per cent to what we speak of as general medical and surgical cases. For brevity let me call them, roughly speaking, one-half. We have given one half of those who served in the Army a special privilege, and we have denied it to the other half.

Your committee comes before you to-day and says, "Whatever you do afterwards, the first thing to be done is to deal fairly with all veterans known or by law presumed to have suffered in the war." So, we put in the bill the provision that any disease developed prior to January 1, 1925—more than that, any disability developed before January 1, 1925, shall be presumed to have been connected with the service. We say that most of the claims of disability shall be rebuttable. It is a weak answer. I am not here to defend the situation that has resulted and will continue to result. I regret that this situation has been reached. I believe it to be wrong in principle. I believe it is not founded on medical science. I believe it is wholly unjustifiable from any logical point of view, but, worse still, I hold the condition under which you give a bounty, a benefit, a compensation, I care not what you call it, to one half of the suffering veterans and deny it to the other half. Two wrongs do not make a right. I realize that; but, there comes a time, when, higher than mathematics, higher than economics, higher than taxation, is justice. [Applause.]

In this particular members of the committee have differed as to the right way in which to progress. The gentleman from Mis-

sissippi [Mr. RANKIN] has been very ardent, earnest, enthusiastic, persistent, and effective in stirring up widespread misunderstanding of this situation. I would now enlighten him and enlighten those who, without hearing both sides of the case, may have rashly committed themselves to the gentleman's support. The gentleman from Mississippi [Mr. RANKIN] says, in effect, "Instead of dealing out even-handed justice, double your injustice." The gentleman says, "Instead of giving relief to those whom we have heretofore ignored, double the relief you are giving to the class you have already recognized." The gentleman says, "Ignore all those who are suffering from the ills of humanity not included among the specially favored, and double your generosity to the groups whom you have already preferred." That is the difference between the Rankin program and the Johnson program. Take your choice, gentlemen. Which is the fairer? Which is the more reasonable? Which is the more just? Which is the more honorable? Which is the more worthy of a great nation?

Mr. RANKIN. Will the gentleman yield?

Mr. LUCE. Not now. I am hammering home my point. I am trying to make the gentleman understand that in this program of propaganda, this program of misrepresentation, this program of deluding the poor victims of disease by extending to them a false hope, he is doubling the injustice instead of doing right to all.

Mr. RANKIN. I just wanted to say that the gentleman was misrepresenting me, if he was pretending to quote what I said a moment ago, because I made no such assertion.

Mr. LUCE. I am talking about the gentleman's fight in the committee. The gentleman in the committee began our executive session by announcing that he would not follow the rules of the House, but that he would break those rules and reveal what went on in that executive session. I will ask of the gentleman if he is willing to disclose whether any man sharing his views voted to report this bill? He knows that they all voted against the reporting of the Johnson bill.

Mr. RANKIN. Will the gentleman yield?

Mr. LUCE. Certainly.

Mr. RANKIN. The gentleman from Massachusetts [Mr. LUCE] also misquotes me again. I said in the committee that I was not going to be bound to secrecy by any vote of the majority, after they had denied us hearings on my bill. I have not quoted a single thing on the floor of the House that was done in the committee, except what other members of the committee have quoted, but I reserve the right to say what I please about it outside of the House, and that is not a violation of the rules.

Mr. LUCE. Whether a violation of the rules or not, it is a fact, and that is what I wanted to have understood.

Mr. RANKIN. Well, it is a fact that the gentleman tried to keep us from having any hearings at all on the Rankin bill.

Mr. CONNERY. Will the gentleman yield?

Mr. LUCE. I yield.

Mr. CONNERY. I know the gentleman does not wish to misquote or do an injustice to the gentleman from Mississippi [Mr. RANKIN]. The gentleman from Massachusetts [Mr. LUCE] knows very well that we would have no Johnson bill on the floor of the House if the gentleman from Mississippi [Mr. RANKIN] had not brought in his bill long before and forced the Johnson bill on to the floor of the House. [Applause.]

Mr. LUCE. I am always sorry to differ with my colleague on a question of fact.

Mr. JOHNSON of South Dakota. Will the gentleman yield?

Mr. LUCE. Certainly.

Mr. JOHNSON of South Dakota. I would like to call attention to the fact that the Johnson bill was introduced in the opening days of the session last December, within two or three days after Congress convened. That was the bill which is the basis for the present bill. The gentleman from Massachusetts [Mr. CONNERY], who is one of my personal friends, as well as a great soldier, would not want to impute to the chairman of the committee a desire not to bring out his own bill?

Mr. CONNERY. Oh, no; I did not say that. But this is not the same bill, is it? It was the Rankin bill that forced out the Johnson bill, was it not?

Mr. JOHNSON of South Dakota. I do not think so.

Mr. CONNERY. All diseases were not in the original bill when Congress convened.

Mr. JOHNSON of South Dakota. They were in under a little different phraseology.

Mr. CONNERY. But not all diseases; the gentleman knows that.

Mr. JOHNSON of South Dakota. Not every disease, but the fact is that the justice of including all diseases is so apparent that we did bring out that bill.

Mr. LUCE. For a moment I decline to yield further, for the reason that I must proceed to the next step in my irrefutable course of logic.

I want to show the injustice of the so-called Rankin amendment; to compare it with the complete fairness and equity of the Johnson bill. I am going to read to you some of the diseases to which the presumption will be extended if the Rankin amendment is adopted. First, it will extend the presumption to gout.

Mr. JOHNSON of South Dakota. That is the Rankin bill?

Mr. LUCE. This is the Rankin amendment. It will extend the presumption to obesity. If any man who served in the Army has yielded to his appetite so greatly that now his waist is unduly large that it measure an extraordinary extent around, his obesity is to be presumed to have been the result of the service. He may have found the food so good in the Army that he could not resist thereafter the temptation to yield to a gluttonous appetite. [Laughter.] He is to be presumed to have contracted that mania for food in the Army.

Next is pellagra. Gentlemen from the South know something about the origin of pellagra. Suppose a case of it developed in 1929 from eating an undue amount of corn meal—I think that is how it comes about. The victim is to be presumed to have contracted the disease at Chateau-Thierry.

Mr. CONNERY. Will the gentleman yield?

Mr. LUCE. Yes.

Mr. CONNERY. Is not pellagra malnutrition? If so, I can understand how a man in the American Army got pellagra from the food he got, but I do not think there were two men in the United States who got gout by eating the food in the American Army.

Mr. LUCE. Here is another disease in the list—scurvy. Any man who has scurvy is to be presumed to have gotten it during his service in the Army, but I ask you to remember that that disease never exists where there is such a good diet as they had in the Army; so, in fact, it could not have come from war service.

Then there is acidosis, frequently of recent origin.

Now, let me get away from what might seem to be flippancy and let me come down to seriousness, to one of the most common and dangerous diseases that afflicts mankind, arteriosclerosis, hardening of the arteries, which comes with advancing years. That is to be compensated for as having had its origin in the service.

Take the other side of the story. Here are some of the things which this unfair bill leaves out. No man is to profit by this bill who is suffering from cirrhosis of the liver; no man who is suffering from bronchitis, pleurisy, diseases of the bladder, skin diseases, malaria, peritonitis, gastritis, and many surgical conditions in addition to the total of 33 diseases which are excluded by the Rankin amendment. Is that fair?

Mr. JOHNSON of South Dakota. Will the gentleman yield?

Mr. LUCE. Yes.

Mr. JOHNSON of South Dakota. But those diseases would be included in the so-called Johnson bill?

Mr. LUCE. Every one of them would be included up to 1925. But in place of that we are offered a continuance of unfairness, a continuance of border-line cases, a continuance of the very situation that has brought us so much disturbance and is wholly responsible for the presence of this bill on the floor of the House to-day.

Mr. CONNERY. Will the gentleman yield?

Mr. LUCE. Yes.

Mr. CONNERY. As the gentleman is speaking about the Johnson bill and the Rankin bill, why did not the gentleman, the chairman of the committee, and the rest of these gentlemen go along with us six years ago when we wanted to do just what is sought to be done now? The gentleman from Mississippi brought this bill in because he thought that is all he had a chance to get out of the committee.

Mr. JOHNSON of South Dakota. Will the gentleman yield?

Mr. LUCE. Yes.

Mr. JOHNSON of South Dakota. Is that not due to the fact that at that time the gentleman from Mississippi [Mr. RANKIN] opposed such a program?

Mr. RANKIN. Will the gentleman yield?

Mr. LUCE. Yes.

Mr. RANKIN. I am sure the gentleman from Massachusetts, in quoting his list of probable diseases, does not want to misquote the record. I think the leading physician they put on against the Rankin bill said that acidosis was not included.

Mr. LUCE. I took it from the printed record of the testimony.

Mr. RANKIN. The gentleman has the wrong list.

Mr. MOORE of Virginia. Will the gentleman yield?

Mr. LUCE. Yes.

Mr. MOORE of Virginia. The Rankin amendment enumerates certain diseases and then refers in addition to all diseases specified on page 75 of the schedule of disability ratings of the United States Veterans' Bureau, 1925. I understand that the diseases you first mentioned—obesity, and so on—are in that list, on page 75; but so far we have not had any full information as to the diseases which that list contains, and I hope the gentleman will insert that list in his remarks.

Mr. LUCE. The discussion of the diseases may be found on pages 6, 7, and 8 of the hearings. I do not think a long statement of medical terms in medical language would harmonize with the clarity of my explanation of this situation.

Mr. MOORE of Virginia. I was only suggesting to the gentleman that up to this time there are some Members of the House who do not know what diseases are embodied in that list referred to in the amendment of the gentleman from Mississippi.

Mr. JOHNSON of South Dakota. Will the gentleman yield?

Mr. LUCE. Yes.

Mr. JOHNSON of South Dakota. I hold in my hand, I will say to the gentleman from Massachusetts, a list of constitutional diseases, a statement of the bureau consultants, and a list of analogous diseases, which the gentleman might want to insert in the RECORD at this point.

Mr. MOORE of Virginia. Is that the list on page 75?

Mr. JOHNSON of South Dakota. Yes.

Mr. RANKIN. That is the list used by the Veterans' Bureau now, is it not?

Mr. JOHNSON of South Dakota. Yes; and would be included in the so-called Johnson bill.

Mr. LUCE. Mr. Chairman, this list is brief, and I am willing that it should be inserted at this point, although I feel grateful I do not have to try to spell some of those words.

The list referred to follows:

In submitting the following list of constitutional diseases, acidosis, anæmia primary (all types), arteriosclerosis, beri-beri, diabetes insipidus, diabetes mellitus, gout, hæmochromatosis, hemoglobinuria (paroxysmal), hemophilia, Hodgkins disease, leukemia (all types), obesity, ochronosis, pellagra, polycythemia (erythremia), purpura, rickets, scurvy, and endocrinopathies, the bureau consultants commented that—

"It is obvious that chlorosis does not occur in men, that rickets is never active in adolescence, that acidosis is not a chronic disease, and that most cases of obesity are due to overeating or insufficient exercise, or both, hence not of service origin."

To the original list of constitutional diseases just given, the following diseases are added, as analogous to the foregoing diseases, for purposes of determining service connection:

Arthritis, deformans; arthritis, chronic; carcinoma, sarcoma, and other tumors; cardiovascular-renal diseases, including hypertension; cholecystitis, chronic, proceeding to gall-stone formation; endocarditis, chronic; leprosy; myocarditis, chronic; nephritis, chronic forms; nephrolithiasis; and valvulitis, chronic.

Mr. LUCE. Now to proceed to the effect of the Rankin amendment, about which there is a good deal of misunderstanding. My belief is that whatever is right and within reason ought to be done. Nevertheless it is but proper that we shall know what we are doing.

So I would briefly repeat, what has previously been said, that the figures of the bureau given to us on the cost of the Rankin amendment were to the effect that it would amount to $44,253,288 a year. Figures based on the Pension Bureau experience put it at $426,062,948 a year. The difference between these figures has puzzled many Members and they are inclined to discredit all figures we present because, I fear, of their failure to understand how this comes about. The explanation is very simple. If a man was stricken with diabetes last year he knew that he could not get any compensation, that a claim was useless, and, of course, he did not take the time or trouble to file any claim. This was true of thousands and thousands of men whose diseases first revealed themselves after January 1, 1925. Nobody knows how many thousands there are. It is at the best nothing but guesswork. It is going to be somewhere, in my judgment, between $77,000,000 a year and $400,000,000 a year. We are told that no matter how far it goes, this is a rich country; we are reducing taxes; we are paying back money to people from whom it has been taken unjustly, and therefore we ought not to hesitate upon this account.

I pause simply to correct one misunderstanding and I wish the gentleman from Mississippi to be informed in this particular. I want to correct one misunderstanding as to what we have been doing in the matter of taxation. He and others dwelt upon the fact—I will not characterize the nature of the argument—but he dwelt upon the fact that we were going to pay or have paid back many millions of dollars to the men of great wealth in this country.

I want the RECORD to show that the criticism he put into the RECORD, that the argument he advanced was based upon a measure that was expected to bring relief to 2,435,000 individual taxpayers, with a total of $70,000,000, and to 3,500,000 stockholders. I venture to say there is not a man in this House who did not benefit by this reduction. Now, with all good wishes for all my fellow Members, I wish that every one of them was in that class of supermillionaires in which he has been put by the imagination of the gentleman from Mississippi, but that imagination works strangely at times, and I doubt his allegation that all those who have benefitted by the reduction of taxes were the exceedingly fortunate few who rank in the supermillionaire class.

Mr. RANKIN. Will the gentleman yield?

Mr. LUCE. Oh, surely.

Mr. RANKIN. As to the $3,000,000,000 that the gentleman from Texas [Mr. GARNER] referred to as being returned to the big taxpayers, no one in the House got any of that, did they?

Mr. LUCE. I hope they did. If they deserved it, they did.

Mr. RANKIN. They did not.

Mr. CONNERY. Will the gentleman yield?

Mr. LUCE. I yield.

Mr. CONNERY. I do not suppose the gentleman will vote for my amendment to bring the Johnson bill up to 1930?

Mr. LUCE. I will vote against every amendment, because every amendment put on this bill lessens its chance of becoming law.

Mr. CONNERY. But will the gentleman agree with me that the entire debate on the Johnson and Rankin bills comes down to the question of how much money the House of Representatives is willing to appropriate for the disabled service men. My amendment will cost $300,000,000. Knowing, as the gentleman does, that this will do justice to practically all the service men of the United States who are disabled to-day, does the gentleman think this is too much to spend on the disabled service men of the United States?

Mr. LUCE. My argument has been of little avail if it has not already shown the gentleman that at the same time we worked what he thinks justice, we should work injustice.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. JOHNSON of South Dakota. Mr. Chairman, I yield the gentleman 10 more minutes.

Mr. LUCE. I hope not to use all the time. I realize I have already trespassed upon your patience, but I have this thing very close to my heart. I have served on this committee now for six years, and I have tried to be fair to the veterans, and I want this House to be fair to the veterans. I do not want the House to ruin all chance of the veteran getting fairness and justice such as the Johnson bill contemplates, by putting upon it amendments which will make the signing of the bill impossible, which will bring it back to this Congress where it can not be passed. A half loaf is better than no bread. Possibly my eloquent, delightful, and happy friend from Massachusetts, whose zeal for the soldier surpasses that of any other man I have ever met, is right, but right or wrong, it can not be done now. Let us take what we can get.

Mr. CONNERY. Does not the gentleman believe that the President of the United States would sign a bill for $300,000,000, which would take care of every disabled man in the United States? Does not the gentleman know that when we were fighting for the bonus here on the floor that Members of the House stood on their feet making statements in behalf of the disabled, and we got letters from all over the United States saying everything for the disabled; nothing for the ablebodied man, but do everything for the disabled. What is $300,000,000 for the disabled service men of the United States, I ask the gentleman. [Applause.]

Mr. JOHNSON of South Dakota. Will the gentleman yield?

Mr. LUCE. Yes.

Mr. JOHNSON of South Dakota. Does not the gentleman believe that no President of the United States can sign any pension measure that will give a pension of $225 to $250 a month, which the Rankin bill will do, although the disability is not service connected?

Mr. CONNERY. I am not talking about the Rankin bill; I am talking about the Johnson bill brought up to 1930.

Mr. JOHNSON of South Dakota. Amended to 1930 it would do the same thing as the Rankin bill, and the Government can not pay a pension amounting to $225 or $250 a month.

Mr. RANKIN. The Johnson bill will do the same thing up to 1925.

Mr. JOHNSON of South Dakota. There is some justification for putting them all on the same status, but if it is extended to 1930 I shall vote against it.

Mr. RANKIN. The Johnson bill will do the same thing up to 1925 that the Rankin bill will to 1930 in that respect.

Mr. CONNERY. Will the gentleman yield?

Mr. LUCE. I must not yield any more.

Mr. CONNERY. I just want to say to the gentleman that he has been a conferee between this House and the other body, and has not the gentleman's experience always been during the past seven years that if we put $300,000,000 on this bill, when it gets to a subcommittee of the Finance Committee of a certain other body, it will be slashed in half? Has not this been true with respect to all veterans' legislation during the past seven years?

Mr. LUCE. We have been told—I do not know but what I am just repeating idle rumor—that after it has been slashed in the committee of another body, it will come back into the hands of that other body and then be quadrupled in size. So I say, let us send over there something for which we can stand in the conference, something for which we have a logical defense.

Mr. RUTHERFORD. Will the gentleman yield?

Mr. LUCE. Yes.

Mr. RUTHERFORD. I am very much interested in a number of tuberculosis patients and I want to get some information from the gentleman because I know he is well informed. A large number of tuberculosis patients have been granted service connection and have been paid the statutory award, but, recently, they have had their service connection broken on account of a ruling of the Comptroller General. I just want to know of the gentleman what effect the Johnson bill will have on getting these men restored.

Mr. JOHNSON of South Dakota. It will restore them.

Mr. LUCE. I must hasten to a conclusion. I hope I have pointed out to you the justice of extending all presumptions to January 1, 1925, the danger of trying to extend them further on a compensation basis. So-called compensation based on disability developing after January 1, 1925, is really a pension, a disability pension, and it should so be styled. The time is not ripe for legislation to-day in this body on the subject of pensions. In the judgment of a majority of the members of the committee pensions are a matter of such stupendous importance that it ought to receive special examination by a committee or a commission which shall attempt to rectify whatever error may remain in the law after the passage of this bill and furnish us a program for the veterans that shall be fair to all concerned, fair to the veterans, fair to the country, and fair to Congress itself.

We have been receiving great criticism for our failure to solve all of these problems. Congress reacts slowly. We have not accomplished all that we would like, but to-day we of the majority of the committee offer you a remedy for many of the ills of the situation, and we hold out to you the hope that if you refrain from putting on amendments, if you will allow the bill to become a law without amendment, inside of three years we shall have a logical program presented to us which shall continue to extend the generosity, the justice, the good will, the help that Congress wants to give to all those who may suffer from the results of the Great War. [Applause.]

Mr. RANKIN. Mr. Chairman, I yield 10 minutes to the gentleman from New York [Mr. SIROVICH].

Mr. SIROVICH. Mr. Chairman, ladies and gentlemen of the committee, I understand that in the cemetery at Princeton University there is a little shaft that has been erected to commemorate the memory of the first soldier that died in the Civil War. Upon that humble and sacred monument there is an inscription which modestly states, "This soldier gave up his life to save his country. What are you going to do to preserve it?"

In the East Side of New York, the district from which I came, there was gathered together in the last war a regiment known as the Lost Battalion. It was composed of the humblest men of every line of useful endeavor. Every vocation of toil and honest labor was there represented. Many of these sons of our community were not even citizens of this their adopted country. Yet when the bugle summoned them to their country's call they gave their last full measure of devotion to the land that they had selected as their home.

Many a plain and battle field of France has its soil saturated with their hallowed blood. They were glad to give their lives that our Republic might endure. What took place in my congressional district is but a symbol of what occurred in every district throughout the Nation. [Applause.]

With aching heart I have listened to the debate that is now in progress. The air is saturated and permeated with economy. Money seems to be the shibboleth of the hour. Watchdogs of the Treasury have arisen and in clarion voices contend that it will cost our Government $100,000,000 to look after the maimed, the crippled, and the deformed soldiers who bared their breasts to shot and shell and were ready to give of their to-day that others may have their to-morrow.

Mr. Chairman, ladies, and gentlemen, when I close my eyes and try to visualize 12 years back I can see the flower of American manhood marching down the streets of our Nation, cheered to the echo, with bands of music playing, with the colors of our flag waving aloft, with the hysterical emotions of the American people cheering them on with tears in their eyes as they march by, while their loved ones, their parents, wives, and children are at home praying to Almighty God that their dear ones might return safe in limb to their homes and firesides. But, Mr. Speaker, that was 12 years ago. To-day we behold certain Representatives in Congress crying that their Nation, which is the richest in the world, has not enough money to look after these heroes and patriots whose very bodies hallow the land upon which they stand. [Applause.]

Mr. Chairman, I never intended to project myself into this debate. I never had the slightest idea that I would be given the privilege of addressing the membership of this historic forum upon the bill to amend the World War veterans' act of 1924, but I am mighty pleased that the opportunity is here. The distinguished gentleman from Massachusetts [Mr. LUCE] who preceded me stated that in the epidemic of influenza of 1918 the deaths from this tragic disease were almost as great in the ranks of the soldiers as amongst the civilians. Mark you, ladies and gentlemen, the soldiers of our Nation represented the flower of American youth and manhood, while the civilians represented every shade and type from the humblest to the greatest, and yet the virus of influenza recognized no distinction between soldier and civilian.

God alone knows how many unfortunate American soldiers are to-day the victims of pulmonary tuberculosis, whose condition insidiously started with influenza over a decade ago. How many doctors were able to recognize the disease called lethargicus encephalitis, commonly known as sleeping sickness, way back in 1918? How many eminent doctors stated at that time that there was no such disease, because they had never seen a case in their lives? Yet, many a poor soldier is carrying along with him to-day complications and sequelæ of this unfortunate malady.

Mr. LUCE. Will the gentleman yield?

Mr. SIROVICH. I can not yield at present. The gentleman did not yield to me when I asked him a question.

Where is there a doctor in our Nation who has not been called upon to treat neuropsychiatric conditions that have resulted to some of our unfortunate boys who were sent abroad to fight in the ditches and trenches, while shot and shells were roaring over their heads, whose brain and nervous systems have been wrecked and shattered—yea, shell shocked—so that they never again will be restored to their normal status of life?

How many cases of shaking palsy—nervous tremors of hand, feet, and face, medically known as paralysis agitans—have had their inception either in the camp or the trenches of distant lands wherever our Nation sends out brave boys to battle in defense of democracy? [Applause.]

The question at issue before this House is the amendment introduced by Representative RANKIN, of Misssissippi, in which he contends that these diseases or injuries which are presumed to be of service origin, shall be extended to the year January 1, 1930. I am in favor of that amendment, as I believe it would bring justice to our patriotic soldiers, our heroes and veterans of the last war, who are entitled to the benefit of every doubt that can be given in their behalf by a grateful Republic. [Applause.]

Mr. Chairman, ladies, and gentlemen, the distinguished chairman of the Veterans' Committee [Mr. JOHNSON], for whom we all entertain the highest admiration and the greatest respect in this Congress, is desirous of extending the limit of the presumptive period to January 1, 1925. In the absence of any other legislation, I am in favor of his proposal. However, I think Congress should be more generous and gracious to the soldiers of our last war and increase the period to January 1, 1930, in order to avoid all risk of error and give to our soldiers the best that we are capable of as an evidence of our appreciation of the services they rendered to our country in its hour of need.

Under the Rankin amendment 45,000 soldiers would be the beneficiaries of his amendment to the Johnson bill.

Mr. Chairman, ladies, and gentlemen, the distinguished gentleman from Massachusetts [Mr. LUCE], for whom we all entertain a very deep affection, undertook in his address to laugh away the disease of chronic obesity.

I wonder whether he realizes that the disease of the pituitary gland, which is situated in the center of the brain, working in connection with the thyroid gland in the neck, which is part of

what we call the endocrine system, if properly diseased through nervous shock, can cause chronic obesity, which he laughed at. I wonder how many thousands of soldiers have had their blood pressure increased through the tremendous strain and agitation that came to them while fighting in "no man's land," or marooned in some unknown trench with no one to communicate with? These conditions of high blood pressure bring about arteriosclerosis, or thickening of the arteries, which he laughed at as a probable result of war.

Mr. Chairman, ladies, and gentlemen, I personally, as a physician of a quarter of a century's experience, can testify to the many tragic diseases that I have seen come to soldiers long after the war was over and which I attributed to nothing else but war. [Applause.]

Mr. JOHNSON of South Dakota. Mr. Chairman, will the gentleman yield?

Mr. SIROVICH. Yes.

Mr. JOHNSON of South Dakota. That has been included in the law since 1925.

Mr. SIROVICH. Then we have a disease called amoebic-dysentery. God only knows how many poor soldiers have acquired that disease wherever the duties and the necessities of war demanded that they be sent. It is a most difficult disease to cure and may manifest itself in the beginning just with a little serous diarrhea. Later on deep ulcerations develop in the intestinal tract, which is most difficult to cure. Then the condition becomes chronic.

Mr. Chairman, are we to dicker in this great Congress that it will cost $100,000,000 to look after these unfortunate men, whose diseased bodies cry to Heaven for assistance? Ladies and gentlemen, I, for one, am willing to expend $200,000,000 to restore back to health every soldier of our Nation who was willing to die to preserve it. [Applause.]

The greatest tribute that should be paid by the citizens of our Nation who stayed behind while those men fought over there is to make the remainder of their days upon this earth happy, contented, and pleasant. This would be the proper contribution of our people to the soldiers of our Republic. [Applause.]

Mr. RANKIN. Mr. Chairman, will the gentleman yield?

Mr. SIROVICH. Yes.

Mr. RANKIN. There are 18,000 tubercular veterans who will be taken care of under the Rankin bill who would be left out of the Johnson bill. I ask the gentleman whether or not it is probable that those tubercular men who have broken down since 1925 incurred their original disability in the service.

Mr. SIROVICH. That is an interesting question.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. RANKIN. I yield five minutes more to the gentleman.

Mr. SIROVICH. I remember when I was a student in the College of Physicians at Columbia University, we dissected many bodies. Every doctor will testify to the fact that in many instances the lungs of these dissected bodies were infiltrated with old tubercular lesions that nature had healed.

Many a Member of the Congress of the United States that is sitting here before me may have had tuberculosis in his day. However, nature deposits lime salts, commonly known as calcium salts, upon these tubercular lesions and ultimately heals them. Time, however, may bring a relapse and the whole process alights anew. Some of the most eminent authorities in the world believe that you can never cure tuberculosis. It has its periods of exacerbations and intermissions, its ups and downs. You may feel well for a few years and you may relapse, so I think that Mr. RANKIN is perfectly justified in battling for these 18,000 disabled soldiers, who may have acquired tuberculosis in the war, who were treated by the doctors for bronchitis, asthma, emphysema, or pleurisy. All these cases might originally have been tuberculosis, but were never recognized. So, I think, Mr. RANKIN is perfectly justified in presuming these diseases could have been of service origin and entitled to the privilege of presumption until January 1, 1930.

Mr. LUCE. Mr. Chairman, will the gentleman yield there?

Mr. SIROVICH. Yes; I yield to the gentleman from Massachusetts.

Mr. LUCE. I think the gentleman is heaping coals of fire on my head. I would have yielded to the gentleman when I was on my feet if I had known that he had such information to impart.

Mr. SIROVICH. I will say to the gentleman that I had not intended to discuss this bill until after I came into the Chamber to-day.

Mr. LUCE. May I ask the gentleman in what respect does his argument show that the theory of the committee is invalid?

Mr. SIROVICH. I want to see to it that any soldier who has suffered from disabilities acquired in the trenches and who is pronounced by doctors to be in a treatable condition should be taken care of by his Government.

Mr. SCHAFER of Wisconsin. Mr. Chairman, will the gentleman yield there?

Mr. SIROVICH. Yes.

Mr. SCHAFER of Wisconsin. For every soldier that was in the trenches there are five or more who have never seen overseas service.

Mr. SIROVICH. When we extend citizenship to a man in the United States we give him the same right as we give to one who is a native-born. When we protect our citizens we should protect all citizens alike. When we take care of men disabled in the service of the Government, whether acquired on the field of battle or the cantonment, we are setting an example to the future soldiers of our Nation by showing them that we are willing and ready to do justice to all.

Mr. LUCE. Does the gentleman wish to be understood as saying that he would abolish all time limit?

Mr. SIROVICH. I would for these conditions.

Mr. SCHAFER of Wisconsin. If you abolish all time limits, you will not have any restriction, and you will include men without a time limit, soldiers, perhaps who served for five days in one of the camps.

Mr. SIROVICH. I will say to the gentleman from Wisconsin that he has always had the amiable habit of getting on this floor and uniformly speaking for the individual rights of American manhood. If he were a woman and had borne children and they had been sent out of the country under the country's flag and had been in camp and had acquired influenza, tuberculosis, neuropsychiatric diseases, or something like that, I think he would consider it his duty to stand up for them and provide for them. [Applause.]

The CHAIRMAN. The Chairman desires to inform the visitors in the gallery that the rules of the House prohibit demonstrations of applause.

Mr. SCHAFER of Wisconsin. So the gentleman would take a case such as this and pay him $100 a month for the rest of his life. Take the case of a man who went into service under the draft and went into camp for a week, and never received medical treatment during his 7-day service in the camp, and perhaps for 20 years thereafter never received medical treatment, and then put him on the compensation roll for the rest of his life at $100 a month.

Mr. SIROVICH. I would say to the gentleman from Wisconsin that once an American boy puts on the uniform of an American soldier, whether in camp here or overseas, the principle is the same, the ideal is the same. He is an American soldier, entitled to all the honors and privileges that go with American valor and courage. If he is injured in the patriotic service of his country, it is your duty always for the interests of the people and fighting for justice, each for all, to help see to it that such a man shall receive full consideration. [Applause.]

Mr. JOHNSON of South Dakota. Does the gentleman from New York advocate a policy where if any one of the 4,250,000 service men becomes afflicted with any disease for all time to come he shall be taken care of in a Government hospital at a cost of $125 a month and shall receive a pension at the compensation rate, which means a total pension for each of these men for all time of $225 or $250 a month?

Mr. SIROVICH. With all my respect for the gentleman from South Dakota—and he knows how much I admire him—I did not make that statement. The statement that I made was that any disease that has been acquired by an American soldier and, in the opinion of an honest physician, can be traced back to its original cause as coming from war, is entitled to be taken care of by our Government.

Mr. JOHNSON of South Dakota. That is the present law. Every man who meets the conditions which the gentleman lays down can be cared for by the existing law.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. RANKIN. Mr. Chairman, I yield to the gentleman one minute more.

The CHAIRMAN. The gentleman from New York is recognized for one minute more.

Mr. RANKIN. Mr. Chairman, will the gentleman yield?

Mr. SIROVICH. Yes.

Mr. RANKIN. The gentleman from South Dakota [Mr. JOHNSON] continues to make that statement, that these men will be put on the roll at $225 a month. General Hines, when he was on the stand, said that the men now receiving compensation are receiving an average of $43 a month and this would apply to these men.

Mr. SIROVICH. It was not my intention to enter into the mechanics of the bill. What I wanted to speak about were dis-

eases that might become manifest to-morrow and that did not become manifest until years after the soldier had left the Army.

Mr. PERKINS. Mr. Chairman, will the gentleman yield?

Mr. SIROVICH. Yes.

Mr. PERKINS. Has the gentleman read the Johnson bill?

Mr. SIROVICH. No, sir; but I am fully acquainted with the substance of the bill. I just arrived from New York, and had no time to study the bill in detail.

Mr. PERKINS. If you read it you will vote for it.

Mr. SIROVICH. If the amendments and provisions embodied in the Rankin amendment are inserted, nothing would give me greater pleasure than to vote for the Johnson bill, which would amend the World War veterans' act of 1924, and once and for all bring fair play and justice to the veterans of the World War. [Applause.]

The CHAIRMAN. The time of the gentleman from New York has again expired.

Mr. RANKIN. Mr. Chairman, I yield 10 minutes to the gentleman from Minnesota [Mr. KVALE].

The CHAIRMAN. The gentleman from Minnesota is recognized for 10 minutes.

Mr. KVALE. Mr. Chairman, in the course of a speech by the chairman of the committee [Mr. JOHNSON of South Dakota], opening this debate on this measure, I took exception to a statement he made regarding the desirability of providing for a final decision in some of the long-delayed and the protracted cases that the bureau has considered, and in which large, thick files have been built up.

I said that before he recommended a cut-off for such cases he might well consider the fact that such files are assembled purely on account of the methods employed by the Veterans' Bureau, particularly by the advisory groups and subdivisions of the council on appeals. I stated then that the reviews and hearings were in the main perfunctory, and that they frequently failed of their purpose because they were often little more than quotations from the written decisions of the last appeal agency which appeared in the file.

The gentleman from South Dakota disagreed with me. I did not insist at the time. But I have asked for time to-day, Mr. Chairman, in order to show exactly what I meant by my remarks by quoting from the record in one claim, which will serve to show just how these appeals operate and precisely what is meant by the frequent references to "red tape" in bureau procedure. It should help each Member of Congress in impressing upon veterans and their dependents and interested friends just what difficulties are sometimes encountered in prosecuting these claims before the bureau.

Mr. Chairman, I therefore ask that I may be permitted to revise and extend my remarks in the RECORD, and to include therein at this point certain correspondence with the bureau in this claim, and certain quotations from their records.

The CHAIRMAN. Without objection, the gentleman will have permission to extend his remarks to include the matter referred to.

There was no objection.

The matter referred to is as follows:

MARCH 5, 1929.

Re: E ——— ——— C 1192126.

FRANK T. HINES,
Director United States Veterans' Bureau,
Washington, D. C.

MY DEAR GENERAL HINES: Through your courtesy, access to the files in this case was granted for the purpose of reviewing evidence and testimony that might be helpful in securing enactment of a bill which I have introduced in behalf of the veteran (H. R. 14880, 70th Cong).

Enactment of the private bill was contemplated following informal personal conferences with representatives of the bureau after the receipt of your letter dated November 12, 1928, denying the appeal of the veteran from the last decision of the advisory group on appeals, which held that the veteran was not insane at the time he committed the acts for which he was subsequently court-martialed.

I was prepared to accept your decision as final, and to regard the claim as having traversed every avenue of appeal provided by law and by the regulations of the bureau. While I felt convinced the decision was not fair to the veteran, I ascribed it to the difficulty with which we have constantly met in securing the evidence which the bureau deemed proper, and to the tangled mass of evidence, rulings, decisions, and memoranda which necessarily result from a case that has been prosecuted so long.

In the review of the case, however, I have been impressed with the volume of evidence and rulings in the veteran's favor. I confidently feel that he is entitled to the benefits under the World War veterans' act of 1924, and respectfully request your permission to review the chronological history of the claim in substantiation of that conviction, which I am unable to escape.

Proceedings and action prior to 1927, it may be supposed, may be dispensed with, except to note that the claim hinges on the question of whether the veteran was insane in June, 1918, when he committed certain acts for which he was tried by a court-martial, sentenced to be confined for two years, and then to be dishonorably discharged. The advisory group on appeals for the first time considered the case on May 22, 1926, and ruled adversely; their decision will be noted hereinunder.

Following this decision, which was approved, steps were taken by myself and others interested in the case to show that, after all, the veteran's offense did not involve moral turpitude, and for that reason did not bar him from the benefits of the act of 1924. It was attempted to show that by other decisions and precedents, but the general counsel held that the offense must be considered to involve moral turpitude.

By your order a rehearing before the advisory group was granted and held on April 29, 1927; their decision was reported on May 14, reiterating their former stand. The chief of your information and cooperation service differed with the board's findings and recommended a review of the decision. You so ordered, and the advisory group, for the third time, on June 11 rendered an adverse decision.

Thereupon you referred the case to Mr. Lynch, of your legal division, who differed with the group and asked a special opinion on the veteran's competency. That request was dated July 21, 1927, and was concurred in on August 15 by the general counsel and approved by yourself.

In response, Doctors Kinney and Stout, neuropsychiatric experts, on October 3, after a thorough review and consideration of all testimony, reported favorably, it being their belief that a strong doubt existed as to the veteran's sanity at the time in question.

There appears next in the history of the case a memorandum from Mr. Lynch, in which he differs with the general counsel's ruling of April 13, 1927, with respect to the involvement of moral turpitude. This is noted, in passing, merely to indicate one of the several doubts that exist and which might be resolved in the veteran's favor. It will be referred to later.

The general counsel, on October 28, next appeared in the chronology with an adverse ruling, which was characterized, first, by the fact that he changed the entire line of the case by referring to his earlier decision regarding the involvement of moral turpitude, then by the fact that he declared the question at issue to be essentially medical.

Following a personal interview which you granted my secretary on March 9, 1928, your promised action was undertaken looking toward a more thorough inquiry into the medical aspects of the case. In the meantime, however, a request from Mr. King, of Minnesota, resulted in your order for another—a fourth—hearing before the advisory group on appeals, held on March 10, 1928, and resulting in an adverse decision given on March 31, 1928.

On April 5 you ordered a special inquiry by a board of five neuropsychiatric experts, which reported adversely on April 9. Their report was followed on May 21 by a memorandum from the chief, information and cooperation service, wherein he differed with the advisory group, set forth his reasons, and included a special report which you had authorized and directed Mr. Barker to prepare.

My secretary was accorded another interview with you personally on May 24, 1928. He asked that the special board be reconvened to consider added testimony and to permit his personal appearance before them. You so ordered; and the board of five met again, and after careful review of the complete file presented a favorable report with the definite and specific recommendation noted hereinunder.

This report and recommendation was concurred in by the general counsel under date of July 10, 1928. It may be noted here that his adverse ruling of October 28, 1927, was distinctly modified and qualified, as will also be noted in the attached quotations. The assistant director, adjudication service, added his approval to that of the general counsel on August 2.

Exception was taken in an adverse report filed by the assistant director, coordination service, filed on August 10. Because his position was the opposite of positions taken by the other services which had reviewed the file, you requested a further statement setting forth his reasons for differing. That statement was filed on August 23, and will also be discussed below.

However, you thereupon ordered (September 10) a complete review by the medical and legal services. A week later, the medical director and general counsel unqualifiedly concurred in the recommendations of the special board of five neuropsychiatric experts, brushing aside the objections of the coordination service, and agreeing with the recommendations of the four services referred to.

You received the report of this review with its recommendations on September 17, and on October 3 addressed the Secretary of the Navy, giving a history of the activities in the case, and asking for the Secretary's reaction. He replied on October 24, very abruptly, and inclosed a copy of the report submitted to him by the Navy's Bureau of Medicine and Surgery. On the basis of that report, you ruled adversely, and so notified me on November 12, last.

To recapitulate:

The case has been through all regular channels in the regional offices and central office board of appeals up to the advisory group on appeals,

which has considered it four times, and each time has denied the appeal. It has been reviewed by groups of experts, by heads of all services within the bureau, and favorable recommendation has been made by all except one service. It is a matter of record that the final decision was prompted by the Navy reply to your query of October 3.

The evidence has been reviewed several times, and it is not necessary for me to sum it up, except to note that it is severalfold. It includes the claimant's service record and the proceedings of the court-martial; it includes his medical record, and letters written from Commanders Osborne and Wieber while he was under their care; it includes affidavits from a number of authorities and former comrades, chief among which are those from Messrs. G———, G———, T———, H———, and M———. In addition to T———'s statement (T——— was the bandmaster on the battleship *Vermont* and was E———'s immediate superior), it includes the sworn testimony offered by him on April 29, 1927, before the advisory group, and his accompanying affidavit made on the same day. It includes the special report made by Mr. Barker, assistant chief, information and cooperation service, on your authority and at your direction. It includes a mass of medical evidence concerning his condition since discharge. It includes also a record of the numerous and futile attempts to locate every imaginable person who might have had information of his condition in April, 1918, or thereabout.

I intend, respectfully, to show, by the record of the proceedings in the case and by quotations from accepted authorities, that there is clear doubt, and, more, that the veteran, E———, is entitled to have the doubt resolved in his favor, as you are permitted to, and authorized to declare under section 23 of the act, and as you have specifically ordered in your General Order No. 293.

The ground covered by the advisory group in its first decision is so fully covered in the later phases of the case that any attention to it would properly be considered needless. But it will be noted that after the decision, which was considered to have exhausted the avenues of appeal, I reviewed it, being dissatisfied with the attitude taken by the advisory group toward the affidavit of T———, and discounting his testimony. Subsequently taking the case up with the national rehabilitation office of the American Legion and with representatives of the bureau, it was thought proper to endeavor to show that the claimant had not committed acts which involved moral turpitude and for that reason should not be barred from receiving the benefits under the act. A then recent decision in another case was noted.

Exhibiting a helpful spirit, you accordingly ordered an opinion by the general counsel on the case as viewed in connection with the favorable decision given in the case of L——— H——— (C-1, 124, 627). The general counsel, in a memorandum to you dated March 29, 1927, held that E———'s offense did involve moral turpitude and did make him ineligible for consideration, for the reason that the theft of property valued at $14.20 was an offense involving moral turpitude.

I then determined to summon T——— from his then residence in Pennsylvania in person, since the advisory group had attached importance to his testimony at the same time it had criticized his action and discounted his statements. You ordered a rehearing, which was held on April 29, 1928; the testimony offered is a matter of record, and was presented to rebut the group's statement that T——— should have reported E———'s condition at the time. The advisory group, however, held that the testimony offered did not warrant any change in their attitude, since it did not introduce any "tangible evidence bearing on the claimant's mental condition" at the time of the offense, but contained "expressions of opinion and sympathy for the claimant."

This testimony clearly and consistently bears out all the other evidence and testimony in the file, showing the typical symptoms of a psychotic condition, including the delusions as to persecution, the irregularities in conduct which caused his repeated transfer, and the definite conviction that the man was insane.

The chief, information and cooperation service, on May 26, 1927, in a memorandum to you, referred to the advisory group's comment on the T——— evidence, and to its statement that any symptom of insanity would doubtless have been observed on a battleship, and said:

"I can not agree with the conclusions of the advisory group, which are rather far-fetched, in view of the fact that this veteran was court-martialed in August and showed signs of mental derangement in December. At the time of his court-martial * * * the veteran refused counsel and entered a plea of guilty to all the charges against him. It must be borne in mind that discipline on board a battleship in time of war is rather severe, and that the battleships do not carry medical officers who are particularly qualified to observe a patient's mentality and that with a war-time crew * * * the medical officers had all of the work that they could possibly do. Conditions are most peculiar under the circumstances, and it is hard for a landsman to understand the manner in which naval routine is carried out.

"After going over this case several times I believe that the facts warrant a different interpretation placed upon them by the advisory group, and in accordance with your policy to resolve the doubt in favor of the veteran the case warrants reconsideration. The sentence in the case, two years' confinement and a dishonorable discharge for the theft of property amounting to $14.20, is good evidence of the severity of the discipline on board a battleship in time of war, and the question of insanity probably never occurred to the members of the court-martial, before whom neither the bandmaster nor any of the veteran's immediate superiors appeared. * * * The veteran should not be penalized for the lack of evidence concerning his mental condition prior to the time that he entered the naval hospital at Portsmouth, N. H., where he received the first thorough physical and mental examination of record during the time of his entire enlistment."

The plea of guilty, please note, to the charges automatically set up a barrier to the introduction of any testimony, and made it impossible for any witness, for whatever reason, to testify in E———'s behalf.

The record shows that the man E——— did not open his mouth during the entire trial, waived all rights, and in every way acted like a man who was quite unmindful of his rights and of the consequences of his behavior. In addition, the three men from whom he stole the articles and who made the complaints against him, who normally would have appeared and who have since testified that they deemed him abnormal mentally, were barred from testifying. Their testimony, or that of anyone even casually familiar with the man's condition, would doubtless have resulted in revealment of his true condition.

An effort has been made, as my secretary noted in his testimony before the group, to contact the three men. Two of them were reached, and their testimony regarding E———'s condition is a matter of record. The third could not be reached. They did not testify sooner because they knew nothing of the need for their testimony or the consequences of the charge of theft lodged against E———. Two articles of the three, whose theft was the basis of the specifications, were clothing—not new—valued at $4.20. The third article was a watch, property of H——— M———, valued at $10. M——— states that E——— had taken property, and that:

"* * * I warned him about it, but he did not seem to care, and kept on doing it. Then, when I discovered that he had taken my watch, I reported him. E——— did not look at all like a normal person, nor did he act like one. I felt sorry for the man. This is all I can truthfully say about him."

The chief, information and cooperation service, also refers to the severity of the sentence when compared with the offense. One phase has not been stressed, and that is the value of these articles. Their value, for the purposes of the specifications in the trial, may well be questioned. Since they total in excess of $10, they arbitrarily call for a charge of grand larceny. Navy officials, when questioned regarding the penalty and the offense, asserted, as noted in the testimony, that while occasionally the punishment seemed severe, justice was administered "in the aggregate." I submit that this still remains one case where, quite regardless of the involvement of any insanity, the punishment still far exceeds the bounds of appropriate penalty for the magnitude of the offense.

You responded to the suggestion made by the chief of the information and cooperation service by asking the advisory group on May 28 to make a careful review of the decision they rendered, and to submit a report to you, after consideration of the attached memorandum.

The advisory group on June 11, 1927, arrived at its third decision in the case. It upheld the former decisions, and maintained that the evidence of E———'s mental state after the court-martial and before his discharge "falls far short" of showing the claimant insane, and that "it does not appear that the court-martial was conducted in an unusual manner, that the rights of the claimant were not fully protected" * * * and stated that "subsequent reports of his mental condition do not show any progressive mental disorder," and that the group's previous conclusions drawn from the conditions surrounding the claimant prior to his court-martial were fully sustained by the evidence. The group adds that "the severity of the discipline, and of the sentence, have little, if any, bearing on the question of insanity."

The reference to previous conclusions drawn from conditions surrounding E—— is to the group's statement in its decision of May 14, 1927 (rehearing), that it was hard to believe that such a condition could exist on board a battleship without having it called to the attention of some one in authority, that it should be noted that one of the members of the court-martial board was a medical officer, and that E——'s personality would account for his trouble on shipboard.

These conclusions were contradicted by the chief of the information and cooperation service as previously noted. I submit, in all sincerity, that the group's conclusions represent a wholly unauthorized misinterpretation and distortion of the sworn testimony of a proper and competent witness and of other corroborative evidence. Portions of such evidence will be quoted subsequently in rebuttal of statements made by the Chief of the Navy's Bureau of Medicine and Surgery. Other differing opinions will be quoted in orderly sequence.

It may be observed, however, that the arbitrary statement that the severity of the discipline and of the sentence have little, if any, bearing on the question of insanity does not hold, since there is valid evidence to show that the severity of the discipline was a directly contributing factor in the concealment of E——'s true condition.

There is also valid evidence to show that the men who preferred the charges and might have thrown light on E——'s condition were barred from appearing to testify; the record of the court-martial itself is evidence that the proceedings were hurried, the extract from the ship's

log showing that "the general court-martial, of which Commander S. A. H———, U. S. N., is president, convened for trial" of three cases "and adjourned at 10 o'clock." The fact that three men were tried, convicted, and sentenced within a period of one hour on charges serious enough to come before a general court-martial certainly indicates that the proceedings were hurried and that the rights of the prisoner were not protected, despite the group's statement.

It may be noted, in addition to the above, that T——— said:

"I had no opportunity to appear before the court * * * not being allowed communication with him (E———) or anything."

Reference was made, in a memorandum filed by the chief, information and cooperation service, dated June 30, 1927, to a conference with George Lynch, whereupon this specific recommendation was made:

"After mature deliberation, it is recommended that the case be referred to the diagnostic center, Washington, D. C., for study in connection with the question at issue."

The medical director addressed you on July 18, giving it as his belief that the case had been amply considered, but stating that he did not object to the further action suggested.

A similar but more vigorous opinion was filed on July 21, 1927, by George Lynch, in a memorandum to you, in which he insisted that the evidence and information warranted further consideration prior to any action by yourself on the advisory group's recommendation. He urged that the case be referred for a specially qualified opinion on the question of the claimant's competency.

This opinion was in substance confirmed by the general counsel in a memorandum to you dated August 15, 1927.

As a result, you ordered a special report to be made by Doctors Stout and Kinney, diagnostic consultants in neuropsychiatrics, in accordance with the recommendation that the question of E———'s competency be left with them for determination. They reported to you on October 3, Doctor Stout, as follows:

"* * * Previously to military service he was rather an unstable individual, certainly from the time of his finishing the eighth grade until his entry into the service. * * * From the time of his entry into the naval service he appears to have had more or less difficulty continually, since he was transferred from division to division several times * * * obviously because his adjustment was unsatisfactory. * * * Subsequent to his admission to military prison, he seems to have developed a frank psychosis. Description of this psychosis in the record leads one to believe that it was a case of dementia præcox at that time, with catatonic and paranoid tendencies. This became definitely evident by January, which would be, at the most, five months after his court-martial. * * *

"In summary, the patient manifested quite a definite constitutional psychopathic make-up, with more or less schizoid tendencies, before naval service. When he was in service he was in difficulty repeatedly and adjusted poorly, both with his associates and those in authority. After his court-martial he became definitely psychotic early in 1919. * * * Considering his continuously poor adjustment from adolescence on, it is believed that there was a strong psychotic tendency present, which was brought out in a frank reaction in at least two episodes. In my opinion, there is a very strong doubt as to whether the patient was mentally competent at the time of the commission of the offenses in June, 1918, for which he was subsequently court-martialed. The evidence available is not sufficient to definitely determine whether he was or was not competent at that time."

Doctor Kinney, the other diagnostic consultant whose opinion you sought, said, under the same date:

"* * * such evidence is too meager to definitely establish, beyond reasonable doubt either that the claimant was mentally competent or that he was incompetent on June 2, 1918. * * * The evidence does establish that during his service aboard ship he showed conduct disturbances which were no doubt due to abnormal mental condition."

I submit, sir, does not this create one more doubt which should be resolved in E———'s favor?

You had referred the claim, in response to the general counsel's suggestion, to these diagnostic consultants for "specially qualified opinions." Those opinions were that there was insufficient evidence to show incompetency "beyond reasonable doubt." But, sir, the veteran is not compelled to prove his case beyond reasonable doubt.

The opinions then stated that there is a strong doubt as to his competency. You have power, and did then have power, to act, on the advice you had sought, by ruling the doubt in the veteran's favor.

Another most interesting development came on October 8, with the memorandum of George Lynch to yourself, in which he makes reference to his decision of April 15, when he held that E———'s offense did involve moral turpitude, and that therefore he must be held ineligible to benefits under the act. That, it will be recalled, changed the direction of all activity in the case. He stated on October 8, however, that—

"I seriously doubt if the offense for which this man was tried, considering all the circumstances of this case, should be considered as an act of moral turpitude or willful and persistent misconduct within the reasonable contemplation of the statute."

In other words, there is, as indicated, one further doubt which should be resolved in the veteran's favor, but which has not been pressed except for this reference to it, in the record of the case.

The general counsel, October 28, also referred to the April decision regarding involvement of moral turpitude, and then made the significant statement that—

"* * * The question at issue is one essentially medical."

Then followed a series of personal consultations with yourself, with your legal advisors, and with others in your offices who were familiar with the details of the case in an effort to secure a favorable decision on the basis of evidence and actions then included in the file. You will recall personal interviews with my secretary, in which you promised to give the man E—— every possible consideration, and authorized Mr. Barker to make a special search of Navy records and other sources, to communicate with E——'s former officers by radiogram or letter, and to submit to you a report on his findings.

You also stated your desire to convene a special board of medical experts, since you did not feel that you were able to make use of the power placed in your hands under section 23 of the act unless you resolved the doubt in favor of the veteran as a direct result of expert medical recommendation.

On March 10, 1928, in response to a request of Stafford King, soldier welfare agent for the State of Minnesota and active in the American Legion, a fourth hearing before the advisory group was ordered by you and hastily arranged, and Mr. King and my secretary appeared and argued the case. The group offered its decision on March 31, ruling adversely. Please note that up to this time the progress of the case had been distinctly in the veteran's favor as a result of steps authorized by you and carried out as authorized, and that the rehearing was not granted as the result of any change in the status of the case; but in order to permit Mr. King to appear and make a statement, he being unable to be present regularly in Washington, and preferring to present his statement verbally rather than in written form.

This statement should be carefully noted. It refers to the additional evidence contained in the reports of Doctors Kinney and Stout, averring that Kinney "* * * merely reached the conclusion that the evidence is too meager to definitely establish * * *." The group then states that Doctor Stout concurs.

A reference to the statements of these doctors, previously herein quoted, will quickly establish whether or not this interpretation is justified. It will establish that the experts reached quite another conclusion from that represented by the group.

The decision then refers to the T——— testimony and states that it refers to E———'s condition in April, 1918, then observes that the offense was committed in June, and that it does not necessarily follow that even if the claimant were mentally incompetent in April such incompetency persisted and existed in June, 1918.

The record bears me out in flatly contradicting this statement. T———'s testimony, if examined, will be shown to cover all the period during the winter and spring of 1918 and up to the time of E———'s general court-martial. Experts whose opinions have been sought have placed quite another interpretation on the evidence. Some of it will be quoted hereinunder.

The group grants that the evidence shows incompetency in December, 1918, but says that "* * * such fact does not establish his incompetency in June, 1918." They have receded from their former position, when they held that the evidence did not show progressive mental disorder; yet they insist that mental disturbance, either before or after June, would not mean that the condition existed in June; and they discount the testimony and the opinions of experts concerning the testimony that would prove, even beyond the reasonable doubt that is required, the incompetency of the man at the time he committed the acts in question.

The group states that the general counsel on August 15, 1927, concurred in the previous recommendation of the advisory group. The accuracy of this statement is quite in line with the accuracy of the remainder of the decision.

As a matter of fact, sir, the recommendation referred to, given on August 15, 1927, was in reference to the recommendation of the information and cooperation service that the diagnostic center be given the case before the group's recommendation be acted upon by you. The general counsel in this statement did not concur, but did recommend the adoption of the course requested by the information and cooperation service. This may be verified from the record.

The group did recede from its original position in evaluating T———'s testimony, but still insists that it does not cover the necessary period. Examination of the testimony will show it to be directed exactly to the time in question, and to be pertinent, and to be in proper form, and to be substantiated by other testimony. Elsewhere will appear a memorandum from the assistant director adjudication service, dated August 2, 1928, regarding the necessity of a veteran being forced to prove his case beyond a reasonable doubt, or by a preponderance of evidence. It may be observed, however, that once affidavits and sworn testimony have been properly presented, the burden of proof is on the

bureau to show such testimony to be false, and the bureau can not arbitrarily deny or set aside or ignore such testimony. It must also be recalled that E———'s plea of guilty at the trial barred any statement by himself or any testimony in his behalf at that time.

Your memorandum on April 5 ordering an inquiry by a special board of five neuropsychiatric experts observed, in commenting on the proposed action in the case:

"* * * As it clearly must be resolved on this medical question."

The report, brief and perfunctory, was adverse, and was returned on April 9. It was followed on May 21 by a memorandum from the chief, information and cooperation service, in response to the authorization made by you before the rehearing was held by the advisory group. This memorandum voices disagreement with the findings of the group, presents Mr. Barker's report, and states, in part:

"In view of the additional information secured from the Navy's records by Mr. Barker, I believe that the bureau could safely give full weight to the statements of this veteran's comrades. It is possible that neither of the two general medical physicians on the ship suspected that E——— was insane, in view of the large crew that the *Vermont* carried, the fact that his condition appears to have come on gradually, and in view of the strict discipline that existed on this ship.

"Summing up the evidence in this case from the standpoint of the veteran's conduct prior to his court-martial, which is largely the controlling factor in the question that is involved, you will note that the statements of his comrades and the bandmaster concerning his conduct are corroborated to a large extent by E———'s records in the Navy Department as set forth in Mr. B———'s report, as you will note that this man was continually in the brig * * *."

There appears, on June 2, a statement from Doctor H———, junior medical officer on board the battleship prior to and at the time of E———'s court-martial, now engaged in active practice in Chicago, in response to a query you authorized, and stating that E——— was a "* * * peculiar individual, with a queer conduct and strange behavior. He was a misfit. It is my sincere opinion that E——— suffered from psychosis and was insane prior to June, 1918." Doctor H——— was one of the medical officers on board the ship, and his statement was based on actual observation of E——— and familiarity with his condition.

The superintendent of St. Peter State Hospital for the Insane in Minnesota, where E——— was confined at the time, said on June 5, 1928, that "* * * judging from his history, the patient probably has never been normal mentally. Basing my conclusions on the patient's story, I would consider him abnormal mentally during his service in the Navy."

In the meantime my secretary had asked, and had been granted, another personal interview with you on May 24. This was following the adverse report of the special board of five, and following the presentation of the memorandum from the information and cooperation service. He requested that you order the special board to reconvene to consider the new evidence submitted in the memorandum and to be sought from the sources noted above. You so ordered and requested the board to permit my secretary to sit with them and present his facts and arguments.

That second meeting was held, and on June 16 the report of the special board of five was submitted from the office of the medical director, stating that the additional evidence was not sufficient to show insanity at the time the crime was committed, but also stating:

"* * * However, * * * the history of such mental episodes must be considered with the possibility of the slow, insidious onset of dementia præcox and continuity of this picture throughout in mind."

They term the question "peculiarly difficult," but state that the record of conduct disorder—

"* * * makes it impossible for the board to hold that the evidence satisfyingly shows that the man was wholly clear and responsible for his actions prior to, during, and after the court-martial. Accordingly the board recommends that the benefit of a reasonable doubt be given this claimant and that it be held that he was insane at the time of the commitment of the act which led to the court-martial on June 2, 1918."

That is the unanimous and definitely favorable recommendation of the five specialists who had undertaken an exhaustive and repeated review of the case, and who had been given authority following the general counsel's recommendation to rule definitely on the medical—the "essential"—feature of the case. It placed an entirely different light on the interpretative and argumentative portions of the decisions rendered by the advisory group.

The general counsel, on July 10, added his definite favorable recommendation of and approval of the board's statement. In noting that the special board has recommended for the claimant and that the medical director had approved the recommendation he said:

"* * * and since the question of insanity is a medical question and there is evidence to sustain the recommendation this service concurs therein and recommends the approval of the special board's report dated June 16."

This statement is important also for another reason. It refers to the general counsel's memorandum dated October 28, 1927, and the adverse report then made regarding the unfavorable finding and modifies it by saying:

"At that time (October 28, 1927) the file did contain some evidence which might be made the basis of such a (favorable) finding, and since said date there have been added to the file the various statements referred to in the report of the special board dated June 16, 1928. These statements, in the opinion of this service, raise a reasonable doubt as to the insanity of the veteran at the date he committed the offense referred to."

There is indicated even another doubt which might well have been resolved in the veteran's favor. They appear all through this case.

On August 2, 1928, the assistant director, adjudication service, added his definitely favorable recommendation to that of the other services in these words:

"In view of the additional evidence, which does create a reasonable doubt as to the veteran's mental condition at the time of the commission of the offense, and the consistently applied policy of the bureau of resolving the doubt in favor of the claimant, and the further fact that the claimant is not required to establish his claim to a mathematical or moral certainty, nor by a preponderance of evidence, nor beyond a reasonable doubt, this service concurs in the conclusion of the special board of neuropsychiatric specialists."

An unfavorable recommendation, unique in that it is the only one to appear at all in the recent history of the case, was embodied in a memorandum to yourself from the assistant director, coordination service, dated August 10, in which he states that after a "thorough review" it is—

"* * * not believed that the evidence at hand is sufficient to justify the conclusion that the man was insane at the time he committed the offense."

Because his opinion was contrary to that of the four other services and of the two specialists at the diagnostic center and of the special board of five neuropsychiatric experts, and was not supported by argument or otherwise, you returned his memorandum on August 14 asking for a full statement with his reasons for so holding.

He replied on August 23, stating that the services and boards mentioned—

"* * * have recommended that you find that the veteran was insane at the time of the commission of the offense for which he was court-martialed. These recommendations are predicated on the fact that there is a reasonable doubt, which should be resolved in favor of the veteran."

He then states that there is no record of mental disability prior to December 30, 1918, observes that the H——— statement is made 10 years afterwards, and is not substantiated by physical findings, refers in deprecatory manner to the special report submitted by Mr. Barker, and reiterates his original adverse decision.

His statement that the favorable recommendations were predicated on the existence of the doubt obviously would, if taken at its face value and accepted, make a mockery of the provision in the law and of the special order of the director which does resolve the doubt for the veteran. The argument in this case has been frank and straightforward and only on the basis of the evidence in the file, and every shred that could be collected, whether favorable or otherwise, as long as it assisted in unearthing the true and pertinent facts. The opinions have been found on the basis of this evidence, and any other insinuation should be resented by every service and every group that has endeavored to study and decide the case in the interests of justice. The recommendations of the experts have indicated that they regarded the evidence as strong enough to raise a strong doubt, and sufficient to prompt their definite recommendation that the veteran be given the benefit of that doubt. They—the experts—were selected because it was recognized the first aspect of the case was medical, and that their opinions, whether favorable or no, should prevail.

The recommendation of the assistant director, coordination service, however, it happens, is best answered by the statement jointly signed by the medical director and the general counsel on September 17 following your demand for a complete review of the case and a definite recommendation from them. They say, after a thorough review and after quoting from the review and recommendation of the legal service on July 10:

"'This recommendation of the special board was approved by the medical director, and since the question of insanity is a medical question and there is evidence to sustain the recommendation, this service concurs therein and recommends the approval of the special board's report dated June 16, 1928.'

"The assistant director, coordination service, under date of August 23, 1928, in objecting to the recommendations above mentioned, stated that said recommendations were predicated on the fact that there is a reasonable doubt which should be resolved in favor of the veteran.

"In view of the well-established policy of the bureau in this respect, it is not deemed necessary to make any comment respecting this suggestion.

"You are advised, however, in response to your specific request, that the medical director and the general counsel recommend that you approve the report of the special committee dated June 16, 1928."

There the case rests, in so far as it concerns the offices of the Veterans' Bureau. Apparently it had been won, and seemingly favorable action would of necessity follow on your part.

You deemed it necessary, however, in view of the responsibility with which the act clothes and charges you, to ascertain the attitude of the Navy Department in the matter, and you accordingly wrote, in part, as follows to the Secretary of the Navy on October 3, 1928, stating that you felt you were not warranted in deciding in the veterans' favor:

"* * * contrary to the official action of another department of the Government, particularly so in view of the fact that your department has not approved special legislation in this case."

You made inquiry as to whether, in view of the facts and in view of the action of a former Secretary of the Navy in remitting the unexecuted portion of E———'s sentence relating to confinement, the present Secretary "would be disposed also to remit" the portion of the sentence relating to E———'s dishonorable discharge.

The answer, it may be stated, might have been found in the testimony given the advisory group on May 14, 1927, when my secretary declared:

"* * * As a result of his mental condition and diagnosis a medical survey was ordered, as a result of which the Secretary of the Navy, through an order, revoked that part of this sentence which referred to his confinement, but did not revoke that part of his sentence which related to his dishonorable discharge. It must be assumed that if the medical board which conducted the survey found E——— to be irresponsible—and in that they ordered a survey—they contemplated a medical discharge and a remitment of the entire sentence. However, as soon as the act of the sentence was put into force, the man was forever barred from any corrective action."

In substantiation of his statement my secretary filed with the group at the time a letter from the Navy Department, which held that a sentence, once carried into execution, even though later shown to have been undeserved and improper, could never be remitted by the authority of the Secretary or by any other authority, and cited an opinion of the Attorney General to that effect. The reply which the Secretary would return to you was therefore predetermined, and—this is vital to note—if the case were to hinge on the department's attitude in the final analysis, there would never be a chance for any favorable bureau action, and all the proceedings which had been held might as well have been dispensed with entirely. This matter is again discussed in connection with the report of the Bureau of Medicine and Surgery, Navy Department, which follows hereinunder.

Your letter to the secretary continues with a résumé of the affidavit and other evidence in the file, and says further:

"Particular stress has been laid upon the professional statement of Doctor H———, the fact that the veteran was found to be insane by the physicians at the naval prison hospital within approximately six months after he committed the offenses, and the fact that evidence has been produced which shows mental upsets, which, when taken together with the history of such mental episodes, must be considered with the possibility of the slow, insidious onset of dementia præcox, with the continuity of the picture throughout, in mind.

"Considerable weight has also been attached to the sworn testimony of the bandmaster and the veteran's comrades, which are corroborated to some extent by the quotations from the veteran's service record and the log of the battleship *Vermont*, as set forth above, and the fact that the veteran since his discharge has been confined almost continuously in tuberculosis hospitals and insane asylums."

You make note of the fact that the special board of neuropsychiatric experts recommended that you find the man insane in June, 1918, and that the general counsel and medical director had concurred in the recommendation, and conclude:

"However * * * I do not feel justified in taking any action which would in effect revoke part of a sentence of a general court-martial imposed by duly constituted naval authorities, and positive action looking toward awarding hospitalization, treatment, compensation, and insurance benefits to this veteran should, in my opinion, only be taken with the concurrence of the Navy Department either through official action by that department in revoking the court-martial proceedings or through a favorable recommendation on any legislation proposed looking toward the specific relief of the veteran himself.

With you regarding your self-imposed limitation on any justification for taking action that would in effect revoke a portion of the sentence passed upon E——— (or upon any veteran) by the Navy Department (or by any other department) I must respectfully differ.

In venturing this opinion I am departing from my studious effort to cling to facts set forth in the records contained in the veteran's file. I do so in a wholesome and respectful spirit. But, Mr. Hines, I do see in your statement that you decline to make a ruling which would be contrary to a court-martial sentence the possibility of permitting a precedent to stand unchallenged, which in my mind would defeat the purposes of the World War veterans' act in a great number of deserving cases; yes, in the very cases where action on your part alone is required to set aside a grave wrong that may have been done and that may not have become apparent until after the sentence has been carried into effect.

In this connection I am able to say that I have been unofficially advised by an official of the Judge Advocate General's office, Navy Department, that it was through oversight that this veteran was not given a medical discharge, because such has been the practice of the Navy Department. Due, however, to conditions in that department immediately following the war, errors and mistakes were frequent. Shall E——— be made to pay forever for these errors?

I am speaking, if you please, now as a legislator—as a Member of Congress—who takes pride in having been one of those who had a modest part in enacting a measure under which you now operate, and which provides specifically for clothing you with discretionary power to act in these cases. Most assuredly it was not the intent of the provision referred to, by any conceivable interpretation that your action should be taken in resolving a doubt in the veteran's favor only if such action would save another department of the Government possible embarrassment, regardless of the merits in the case.

Congress has placed no such restriction in section 23 of the law. The very intent of the law was to give you authority to correct injustices, regardless of the attitude of any department and quite aside, even, from the other provisions of the law.

The bureau in laudable manner undertook to sift every available bit of evidence, evaluate it, compare it, and have it weighed by experts and by heads of services who are placed in authority by virtue of their experience in these matters and the value of their ability to make these decisions for you. They reached a conclusion, well nigh unanimous.

Is that to be discarded in entirety in favor of the attitude of another department?

Moreover, I take responsibility for the statement that the Veterans' Bureau is almost daily overruling the War and Navy Departments in thousands of cases where direct service connection has been established and allowed, regardless of the fact that the official records of these departments have shown contradictory evidence or an absolute lack of evidence.

That is not all. This is pertinent:

On inquiry, I ascertained that there is record in the central office of actual cases in which you have held under section 23 that Army veterans were insane, without any prior consultation with the Secretary of War. And, what is more, the Secretary never questioned your action in any of these cases where you held that the veterans were insane at the time they committed certain offenses which led to their dishonorable discharge from service.

Just why, then, you should desire to restrict this discretion placed in you by Congress, to correct just such instances as this case typifies, by stating that in view of the attitude of a Secretary of the Navy you can not take favorable action, is rather difficult for me to fathom. It can not be denied that this case—E———'s case—must stand on its merit, regardless of the position of the Navy Department.

You are well aware, too, of the fact that the department only in rare cases permits a favorable report on legislation that we in Congress introduce looking toward relief of any individual formerly connected with the services. I have noted that the department, furthermore, never, under any circumstance, revokes or recalls a sentence that has been carried into execution, no matter what may later be revealed regarding the justice or propriety of such sentence. Such a course, therefore, as pursued in this case would defeat the entire purpose of the spirit and letter of the World War veterans' act, and would render any constructive action on the part of the Veterans' Bureau in the case at hand or in any other case a farce and a travesty on justice. I am steadfastly trying to avoid any extravagant terminology, and to present the case fairly.

As expected, the Secretary of the Navy (acting), under date of October 24, replies very curtly and abruptly to your elaborate query, with its summary of the case, observing:

"* * * The sentence of E——— having been approved and carried into execution, can not now be revoked by the Navy Department even though the Navy Department were so inclined (17 Op. Atty. Gen. 303). From the present facts and information available the Navy Department would be disposed to recommend against the enactment of any legislation proposed looking toward his specific relief."

Accompanying his reply, and evidently the basis for his statements, is the report of the department's Bureau of Medicine and Surgery, dated October 18, 1928, and signed by (Surgeon General) E. R. Stitt. The Surgeon General states that attention must be paid, in the evaluation of the facts in the case, to four specific points. They are: (1) The man's service record; (2) his general service reputation and the impression on his associates; (3) his medical history; and (4) the record of the general court-martial.

Taking the points in order, the report then refers to E———'s service record, and to the punishment for numerous petty offenses culminating in the general court-martial. It is stated.

"* * * The nature of these offenses was such as to indicate that he was slovenly, insolent, and willfully disobedient, and, under the

circumstances, evidenced a degree of judgment defect. As he enlisted in 1916 and his record prior to 1918 was apparently clear, it would appear that during 1918 he suffered a change of personality."

The report goes on to discuss his "conduct disturbances" which, he alleges, are usually shown by individuals who are "antagonistic because of situational influences rather than mental deficiency." It charges E——— with unfitness as evidenced by repeated transfers "to find some place where his services might be of use."

I realize that the Surgeon General's office did not have the advantage of the intricate processes through which this case had been carried in the Veterans' Bureau, or of the information and evidence that had been developed and gathered, and that had been passed upon repeatedly by expert authorities.

And yet it seems unthinkable that E———'s conduct should be so characterized and that such an opinion should serve as the basis in part for the adverse report. The record shows a series of minor offenses that indicate a condition diagnosed in quite different style by the neuropsychiatric experts and others who studied them. It shows that this veteran was always—to some degree at least is undisputed by every authority in the case—abnormal.

The record, furthermore, shows beyond dispute or doubt that this situation which E——— found himself in in 1918 was something deeper than a mere change in personality, and that the Navy report there sets itself squarely against an imposing array of expert opinion which the bureau has collected in this case. If those opinions are to be utterly without value, that fact will have fatal significance in a vast number of cases where the diagnosis and decisions of these experts must be relied upon by the director and by the bureau.

It charges E——— with unfitness because of repeated transfers "to find some place where his services might be of use." It is difficult to consider that statement as emanating from an unbiased source. There is no hint of such an interpretation anywhere else in the entire case; there is a mass of evidence showing that his transfers were occasioned only by a desire to safeguard the interests of an abnormal sailor, to spare him and his superiors open trouble, and to avoid difficulties if possible. Doctor Stout's statement may be referred to; E———'s testimony is more than ample on this point; all the testimony from all available sources corroborates it in the finest detail.

The report, in discussing the second point, that of his general reputation and the impressions on his associates, quotes from T———'s testimony only the phrases "very peculiar" and "I consider this man was mentally deficient, not being qualified to state he was insane."

These are excerpts from T———'s testimony that might also have been quoted in that connection. (When questioned at the time of his appearance before the advisory group on April 29, 1927, as to whether he had ever made mention to his superiors of E———'s peculiarities, he made the following reply:)

"I haven't any doubts that I may have at that time made such a remark. Of course, in the Navy you can not tell your superiors what you think. * * * I really believed the man was at the time insane. * * * Most likely, if I had reported myself to the surgeon and stated that I thought this man was insane, it would have stopped right there; there would have been nothing done about it, because the fact that I was bandmaster didn't permit me to make any statements as to what I thought of the mental or physical condition of the men whatever. * * * He was being transferred from one division to the other, and at last the commanding officer asked if I would receive him in the band—as he was partly a musician—is they didn't want him about on report, and thinking the musical line might have some quieting influence on him. * * * although I had been instructed by superior officers to be lenient with this man."

In the affidavit which he filed on the same day, and in which he also bound himself by oath, he originally stated, then substituted statements, as shown below:

"* * * Captain S———, who commanded the ship until * * * some time in the spring of 1918, was generally considered one of the best friends E——— had. He was more of a father to him than an officer, and tried to talk to him and help him. [Things went considerably worse for E——— right after Captain C——— took command. I do not wish to say it was because Captain C——— took command, but the facts can be verified.]"

(NOTE.—The lines appeared as indicated in the original, then were struck out as indicated (appearing in brackets) because T——— thought the statement cast undue reflection on his former commander, and the following was substituted, as may be noted by referring to the original in the file.)

"It was from this time on that E——— became worse, it appearing that Captain S——— having some influence over him."

T———'s affidavit, dated May 8, 1925, bearing out the above, should also be noted.

The above, taken in connection with certain facts regarding the ship's discipline and characteristics of certain officers, places a different light on the development of the later phase of E———'s enlistment, and of his reputation among his comrades and superiors. The statement of my secretary before the same group on the same date may also be noted, when he remarked that the bandmaster was instructed by his commanding officer to report E——— under penalty of a report himself or of demotion. The man's condition was known, and yet there is no record of any effort at medical examination at the time of the court-martial or before or after. The board which sat at the trial, he stated, might have been derelict, or the fault may have properly been placed elsewhere; but in any event the man E——— clearly was penalized and made to suffer untold agonies because somewhere there was dereliction of duty.

Note in this connection the report submitted by Mr. Barker to you on May 31, 1928, particularly that portion wherein he relates finding, from the ship's log and formal record, that E——— was confined on June 2; that the ship left port on June 3 as escort for the ship *Mayflower* bound for Chile; and that in contradiction to the accustomed practice E——— was not permitted freedom of the ship while awaiting trial. This evidence of unusual treatment—being incarcerated in solitary confinement in the brig on the ship from New England to South America and home again, never being permitted the enjoyment of fresh air—speaks eloquently of the attitude of the ship's authorities toward the claimant.

The Stitt report continues with the observation that there is no entry in E———'s medical record to the effect that insanity was suspected or that E——— was considered "queer," and notes that September 3, 1918, there is record of E——— having been examined and found physically fit. It may be observed that the examination referred to is the cursory formality, and that the entry in the record was made with a rubber stamp.

The report denies that the T——— statement is any direct evidence of insanity in E——— but rather a disregard for attention to duty, and says that because the man "acted insane" does not necessarily establish the presence of actual insanity. No effort will be made, in view of the mass of testimony and decisions already quoted, to rebut those statements here. They are opinions and must be weighed against the number of other expert opinions based on the same set of facts.

Regarding E———'s medical history, the Stitt report makes brief reference to the entry made December 30 characterizing the findings as "quite common" and noted that Doctor Jacoby, recognized as an authority, diagnosed E———'s condition as hysterical. The report failed to observe that the Jacoby diagnosis also included the statement that "in many respects the reaction of the patient is that of a praecox." The report failed to take cognizance of the diagnosis made by the Veterans' Bureau experts on the same set of facts and their consequent recommendations to you. It failed to note a significant fact, that the record contains the entry:

"June 3. Invalided from service in accordance with approved recommendation of Board of Medical Survey."

It failed to note what has been previously mentioned here and which was learned from department officials, namely, that in all likelihood this instance was one of oversight and error on the part of Navy officials in not giving a medical discharge that should have been given.

But E——— was not invalided. It was obviously the intent of the board of medical survey, but he was dishonorably discharged, in no condition to care for himself, without funds with which to maintain himself, suffering from tuberculosis, and a consequent condition which indubitably dates from the time of his unmerciful confinement in the dark brig during an entire trip through the Tropics and back to the north. That, despite the fact that Captain W———, in command of Portsmouth Naval Hospital, wrote E———'s father on February 18, 1919, referring to his mental condition and promising:

"* * * It is not time yet to think of discharging him, but should we decide to discharge him from the service we will communicate with you so that you can come and get him, should that become advisable."

Regarding the fourth point, that of the court-martial record itself, the report states that the record shows him to have been "guilty by plea, no evidence offered by the accused, and mental competency seems not to have been questioned."

The court-martial record has been fully and repeatedly discussed, and the interpretation and comment of the Navy's report need not be elaborated upon here.

Your final decision follows. In a letter to me dated November 12, 1928, you find it necessary to reach the decision that the records which have been submitted to you "fail to show affirmatively that the veteran was in fact insane." For that reason, "and in view of the action of the Navy Department following a reconsideration of the facts, I can not find sufficient grounds for the allowance of the appeal." You state, in conclusion, that "based upon the evidence, a favorable decision was not warranted."

I have presumed, in fatiguing detail, to make this summary of the case only because I know how utterly impossible it is for you to be certain that in each case all the facts have been submitted to you. Certainly I do not propose to allocate the blame in this instance. I realize the natural tendency to be swayed by the most recent developments in the case, to depend upon the detail work that has been done by subordinates and by others.

As you stated in your letter to me, your decision was reached on the basis of the facts that had been submitted to you. Obviously no report could be as elaborate and painstaking as this has been, with the thou-

sands and thousands of cases that must be considered. That is the reason why I have undertaken to present all the facts to you, and to request very respectfully that you review them personally and see whether you do not agree with me regarding the merits of the case. I have been fair; I have noted all steps, not the favorable steps alone; I have quoted all pertinent decisions and recommendations, not only those favorable to the veteran. I believe, firmly, that in this instance the veteran needs no more than a just appraisal of all facts to determine beyond any doubt that he is entitled to benefits under the World War veterans' act of 1924.

I believe further that a vital principle is involved. That you will grasp without prompting.

This file is available to you for personal study, as I, through your courtesy, have studied it. No further reviews by services or by the advisory group on appeals would seem necessary. This is a matter solely for your own personal consideration and determination. I have, I believe, fully demonstrated the truth of that statement. It is my sincere feeling that were this brief to be referred to the assistant director, coordination service, or to the advisory group on appeals, it would be returned with the file to your desk with merely a reiteration of their previous minority views and opinions, based on a further interpretation of the facts which I have advisedly termed distortion, whether wilfull or no.

The necessary length of this letter alone is reason for adding to the deep appreciation on my part of your many courtesies in the past and of the manner in which you are endeavoring to carry out the intent of the veterans' act.

Believe me, sir, very sincerely yours,

O. J. KVALE, M. C.

Mr. KVALE. Mr. Chairman, that is the brief which I personally laid for my father in the director's hands. The story is still far from complete. Despite the request, specific and definite, contained in that letter for a personal review and for anything except another reference to the advisory group, it has been twice since that time before the appeals agencies and has been through repeated steps and channels.

It was ordered held in the central office on March 11 by the assistant director in charge of adjudication. That is the next evidence of activity, following receipt of the brief—which was, as stated, delivered personally into the director's hands. At that time he promised to take it home with him, to make a careful and thorough study of the points presented in the brief, and to take appropriate action.

Next of record is a memorandum dated March 18, 1929, in which the director refers the brief to the general counsel for a review and a recommendation, with the specific charge—

* * * your opinion on the legal phase raised regarding the finding of the Navy Department is desired.

April 3, 1929, the general counsel, in response to the director's instructions, forwarded to the director Mr. Kvale's brief, together with his careful review of the case, the points raised in the brief, and the direct statement that the findings of the Navy Department do not preclude the director from approving the report of the special board and from rendering a decision in the case favorable to the veteran. This was signed by William Wolff Smith, general counsel.

Because of its unusual nature and because of its unusually complete attention to the pertinent facts in point, the entire memorandum is quoted, as follows:

Reference is made to your memorandum of March 18, 1929, in the above-styled case, wherewith was transmitted a letter of brief from the Hon. O. J. Kvale. You request an opinion of the legal phase raised by the Congressman regarding the finding of the Navy Department.

While it is believed the facts of record in this case are so well known that restatement thereof would serve no good purpose, it is thought that a brief summary of the action taken by the bureau and the Navy Department should be made for practical purposes.

The claimant was dishonorably discharged from the Navy by sentence of court-martial for an offense involving moral turpitude. His claim for benefits under the World War veterans' act depended upon a provise to section 23 thereof to the effect that in such case, when it is established to the satisfaction of the director that at the time of the commission of the offense resulting in such court-martial trial and discharge such person was insane, such person shall be entitled to compensation, etc.

The claim was denied by the regular rating and appellate groups of the bureau. Since the question involved was one purely of a medical nature, it was referred to a special group of psychiatrists, who held, first, that the evidence did not show that the claimant was insane at the time he committed the offense, but later, upon consideration of additional evidence, held that it was "impossible for the board to hold that the evidence satisfyingly shows that the man was wholly clear and responsible for his actions prior to, during, and after the court-martial. Accordingly, the board recommends that the benefit of a reasonable doubt be given this claimant and that it be held he was insane at the time of the commission of the act which led to the court-martial * * *." This medical opinion was approved by the medical director and concurred in by the general counsel and the assistant director, adjudication service, but the assistant director, coordination service, disagreed, saying: "This service can not agree that the additional evidence is sufficient to raise a doubt in this case. It is therefore recommended that the director disapprove the recommendation of the special board that the doubt be resolved in favor of the veteran. It is recommended that the director find as a fact that the man was not insane at the time of the commission of the offense * * *."

Thereafter all of the facts in the case were presented to the Secretary of the Navy with the request for a further review by the department regarding the court-martial action. The Navy Department, as it was in law bound to do, declined to modify further the sentence of the court-martial and also indicated that it would not favor special legislation on behalf of the claimant. Upon receipt of reply from the Secretary of the Navy the director, under date of November 5, 1928, held, "In the absence of an affirmative medical finding of the veteran's mental incompetency at the time of the offenses which resulted in his dishonorable discharge, and in view of the action of the Navy Department following reconsideration, I can not find sufficient grounds for the allowance of the appeal."

The Congressman, after relating the facts in the case and showing the action thereon, further calls attention to the fact that the Navy Department did in fact abrogate a portion of the sentence of the court-martial in that it did not require two years imprisonment as imposed by the judgment of the court-martial and that at the time it gave the sailor dishonorable discharge it overlooked the record entry of June 3, 1919, "Invalided from service in accordance with approved recommendation of board of medical survey." He states further, "It failed to note what has been previously mentioned here, and which was learned from department officials, namely, that in all likelihood this instance was one of oversight and error on the part of Navy officials in not giving a medical discharge that should have been given."

If this is the point which you desire considered, it may only be said that while the facts seem to be as stated by the Congressman, it nevertheless remains true that the Navy Department did give the sailor dishonorable discharge and that the department may not now reverse that action.

The Congressman then refers to your letter of November 12, 1928, and to your statement therein that the records "fail to show affirmatively that the veteran was in fact insane," and that for that reason, "and in view of the action of the Navy Department following a reconsideration of the facts, I can not find sufficient grounds for the allowance of the appeal." He has pointed out in his brief that the Navy Department is precluded from revoking that part of the sentence which has been executed and that the only possible relief from the effects of the action of the Navy Department lies in the discretion given the Director by that proviso of section 23 above quoted in part. On this point he takes issue with your statement, "However, * * * I do not feel justified in taking any action which would in effect revoke part of a sentence of a general court-martial imposed by duly constituted naval authorities, and positive action * * * should, in my opinion, only be taken with the concurrence of the Navy Department either through official action by that department in revoking the court-martial proceedings or through a favorable recommendation on any legislation proposed looking toward the specific relief of the veteran himself." He contends that since the Navy Department can not revoke the sentence that you should exercise the discretion placed in you and upon review of all the facts in the case hold, in accordance with the recommendation of the special board of psychiatrists and of the services, except the coordination service, that there exists a reasonable doubt as to whether the claimant was sane on the date he committed the offense for which he was sentenced by court-martial to be dishonorably discharged, and that such doubt should be resolved in his favor in accordance with the policy of the bureau, and that you should find that the evidence is sufficient to satisfy you that the claimant was insane on said date.

On the question presented by you with regard to the action of the Navy Department this office concurs in the conclusion of the Congressman, that while the action may have been erroneous, it may not now be corrected by that department. On this point your attention is invited to the statement in the letter of October 24, 1928, from the Secretary of the Navy. "The sentence of E—— having been approved and carried into execution, can not now be revoked by the Navy Department even though the Navy Department were so inclined (17 Op. Atty. Gen. 303)." This office further concurs in the conclusion of the Congressman that, in the absence of special legislation, the effect of this action can be remedied, if at all, only by the director exercising the discretion placed in him by section 23 supra.

It is believed that the above disposes of the question presented in your memorandum. If, however, you refer to the findings of fact made by the Navy Department, and presumably those on which was based the letter from the Secretary of the department in response to your letter of October 3, 1928, which findings are contained in the memorandum

of October 18, 1928, from the Chief of the Bureau of Medicine and Surgery, addressed to the Chief of the Bureau of Navigation, it may be stated that in the opinion of this service these findings do not preclude the director from finding that the evidence is sufficient to satisfy him that the claimant was insane at the time he committed the offense for which he was court-martialed. In this connection, paragraph 6 of said memorandum is permanent, "From the evidence of record it is believed that there is sufficient to indicate that E—— was of psychopathic personality, showing a minor judgment defect. There is no convincing evidence that at the time of the commission of the offense for which he was given a general court-martial he showed a clouding of consciousness, was actively psychotic, or mentally incompetent to the extent that he did not know the difference between a right and a wrong act."

The records of the Navy do bear out the statement of Bandmaster T——— that the claimant was disturbed and constantly in difficulty from the early part of the year 1918; in fact, from April 15, 1918. The offense in question was committed on June 2, 1918. The sailor was confined practically from that date, court-martialed August 12, 1918, admitted to naval prison hospital August 31, September 3, November 15, 1918, to the psychiatric department December 30, 1918, found definitely psychotic January, 1919, and dishonorably discharged June 3, 1919.

While the findings of the Navy Department that there is no convincing evidence of insanity are justified, it appears that that department considered strict proof of the fact. The bureau's general policy does not require that the claimant prove his case to a mathematical certainty, or even by a preponderance of the evidence, but rather that if a reasonable doubt is shown to exist it should be resolved in favor of the claimant. It is the opinion of this service that the findings of fact made by the Navy Department do not preclude you from approving the recommendation of the special board of psychiatrists to the effect that there exists a reasonable doubt as to whether the claimant was insane on the date he committed the offense and that such reasonable doubt should be resolved in his favor.

Possibly this point should be elaborated somewhat in connection with the first point mentioned, since it would appear that on the statement of facts the Navy Department says that it is not conclusively shown that the claimant was insane at the time he committed the act, while the bureau, if it should adopt the recommendation of the special board, would say, on the contrary, that it is not conclusively shown that he was not insane on said date.

In discussing the question of the right to revoke sentence of the court-martial the Attorney General in the opinion above cited, after stating the rule "that where the sentence of a legally constituted court-martial has been approved by the reviewing authority and carried into execution it can not afterwards under the present state of law be revised and set aside," pointed out that the dismissal from the service was the executed part of the sentence and that the disability arising therefrom is a continuing punishment, in which respect the sentence is not executed but is being executed. As applied to the instant case, the executed portion of the sentence is the dishonorable discharge from the service. The continuing punishment consists in those disabilities which arise by reason of such dishonorable discharge, namely, forfeiture of rights and benefits under the World War veterans' act. These additional disabilities were not necessarily contemplated by the court-martial, but were imposed by the Congress in enacting the World War veterans' act. In enacting this beneficial legislation the Congress undoubtedly had in mind the well-known rule, above stated, as to the finality of executed sentences, but that it desired in cases where it is shown that the veteran was insane at the time he committed the offense there would be some power which could remove the continuing portion of the punishment, namely, the disabilities arising out of the dishonorable discharge. It placed this power in the hands of the director of the bureau, and it authorized him, in his discretion, to remove the disabilities if satisfied that the veteran was insane at the time he committed the offense. In exercising this authority the director is not revoking the sentence of the court-martial or any act of the Navy Department—those can not be revoked or altered—but he is removing the disabilities added by Congress under a special authority granted him by the same act of Congress.

It is the opinion of this service, therefore, after consideration of both aspects of the matter that the power lies solely with you and that if upon a review of all the evidence contained in the file you are satisfied the claimant was insane on the date he committed the offense the findings of the Navy Department do not prevent your so holding.

Under section 23 that might reasonably have seemed to be enough to assure favorable action. It was not.

The director thereupon, on April 13, referred the file, with the accompanying brief, to the assistant director, adjudication service, with instructions to confer with him personally regarding the case. No record appears of what transpired at that personal conference, if it was held.

The assistant director, then, on April 25, referred the entire matter to the general counsel with the request, on authority of the director, to prepare the case for submission to the Comptroller General on the question of the director's authority to make findings contrary to the findings of the Navy Department. That, mark you, despite the advice already of record on this point, and despite the difference in procedure in similar cases already cited.

For the purposes of completing the record in every essential, Mr. Chairman, I shall ask at this point to note three claims which are in point, and which are typical of many more that I might cite if I desired.

J—— J. H——, XC 1306495, enlisted June 16, 1916, was discharged October 24, 1918, dishonorably, because of the following offense: While in the Federal service the veteran, on March 15, 1918, was convicted by special court-martial of stealing a pair of Army shoes from the possession of another soldier at Camp Wheeler, Ga. While serving a sentence for this offense in the regimental guardhouse the veteran effected his escape, was subsequently apprehended and surrendered to military authorities, tried, convicted on May 16, 1918, by a general court-martial, and sentenced to five years' imprisonment and dishonorable discharge.

The veteran was given a mental examination at the disciplinary barracks at Fort Leavenworth on July 31, 1918, and was diagnosed dementia præcox, and recommended for discharge. He was dishonorably discharged October 24, 1918. On March 24, 1928, the medical rating section of the awards division, central office, held the claimant to have been insane at the time of the commitment of the offense for which he was tried and discharged, and thereby reversed a previous opinion of January 23, 1926, although a neuropsychiatrist, N. W. Bartram, M. D., dissented from the opinion. Following the veteran's death May 5, 1928, of pulmonary tuberculosis, the appeal group on April 4, 1929, held the veteran to have been incompetent and insane from October 24, 1918, and consequently permanently and totally disabled from the date of discharge. The council on appeals approved this finding on September 24, 1929, but Congress, in the meantime, had passed a bill lifting the dishonorable discharge feature. The director—note—had approved these decisions.

Another parallel case. P—— S——, C–532860, enlisted December 12, 1917, and discharged December 22, 1920, dishonorably, while in service was tried and convicted by general court-martial for offense of absence from station or duty after leave had expired, and was sentenced to be confined for a period of 18 months, later cut to 6 months, and to be dishonorably discharged.

Reviewing authorities on November 2, 1920, approved the proceedings, but mitigated the incarceration to a restriction to ship or station for a period not to exceed six months that portion of the sentence which involved confinement. His dishonorable discharge was remitted on the condition that the man conduct himself during this period so that his commanding officer might be convinced his retention in the service was warranted.

Thereafter, on July 18, 1919, the veteran was declared a deserter from his station and remained a deserter until delivered aboard vessel August 12, 1920. He was tried by general court-martial, found guilty of absence from station after leave had expired, was sentenced to be confined for six months and then to be dishonorably discharged. The chief legal advisor, however, on May 29, held that the veteran did not forfeit his rights under the provisions of section 23 of the World War veterans' act by reason of the character of his discharge in that his acts had not been done with the determination of having a bad intent. Benefits were subsequently paid to claimant and dependents. Again, another. And this will suffice, although more might be cited. This veteran, S——— (C–327208), enlisted October 29, 1917, was discharged January 14, 1919, dishonorably, because he refused to submit to a third operation for the relief of fistula for which he had previously and unsuccessfully undergone surgery. While in the service he was tried by general court-martial and sentenced to be confined to hard labor for five years, forfeit all pay allowances, and thereafter to be dishonorably discharged. Reviewing authorities reduced incarceration to a 2-year period, but the remainder of the sentence was executed.

This veteran was held on November 20, 1925, by the claims and rating board 2, New York regional office, in conformity with an opinion dated October 27, 1925, by the legal advisor for that office, not to have had his rights under section 23 of the veterans' act barred by virtue of his dishonorable discharge. Compensation was and is being paid accordingly.

Note that in each of these cases and in others that might be cited, no effort was made by the Director, as in the E——— case now under consideration, to be so solicitous of the Navy or War Department rulings, and the Comptroller General, of course, interposed no objection.

This is one more phase of the existing law which is sorely in need of amendment, to correct the sad situation that exists, and which officials for some reason or other seem indisposed to

correct through discretionary action. I know that examples of cruel injustices of this sort could be multiplied again and again in the cumulative experience of the membership of this House. To return now to the claim I have been discussing.

The assistant director, adjudication service, had referred the brief and all accompanying matter to the general counsel, at the director's request, so that the appeal might be prepared to be submitted to the Comptroller General for his ruling as to the propriety of the director's decision in contradiction to the findings of the Navy Department. That was, it will be remembered, on April 25.

Some time thereafter a personal conference was again had between the director, the general counsel, and J. O'C. Roberts. It appears that the director was persuaded that submission of the matter to the Comptroller General was useless and needless.

June 21, 1929, the folder was finally returned to the director's desk from the office of the assistant director, adjudication service. Because of its painstaking and thorough analysis of the situation, it is given in full. Signed by the general counsel, it states:

The attached case file of the above-captioned veteran was referred to the attention of this service by the assistant director, adjudication service, on April 25, 1929, with the statement that at the request of the director a submission should be prepared to the Comptroller General on the question of the director's authority to make a finding contrary to the findings of the Navy Department on the question of whether the veteran was insane at the time he committed the offense for which he was court-martialed. This having been made the matter of a previous memorandum of this service to the director, the assistant general counsel discussed the same with you. Thereupon you instructed that this file be carefully reviewed, and that you be advised after weighing all of the evidence as to whether this veteran was insane at the time of the commission of the offense for which he was court-martialed. In accordance with your instructions, this case has been thoroughly reviewed and report thereon follows:

The facts in so far as disclosed by the evidence in the file have heretofore been related in detail in the various opinions and recommendations of the rating agencies of the bureau and of the various services, and it is believed that they are so well known that a repetition thereof in this memorandum is not necessary. It will be recalled that this service heretofore advised the director on August 15, 1927, that there was no weighty evidence then of record justifying the conclusion that the veteran was insane at the time he committed the acts for which he was tried and convicted by a court-martial, but inasmuch as this question was considered to be primarily a medical one—

Note this—

but inasmuch as this question was considered to be primarily a medical one, this service concurred in the recommendation of the chief, information and cooperation division that the case be referred to the diagnostic center at Washington, D. C., for study in connection with the question at issue. Upon the subsequent submission of this case to a board of five neuropsychiatric specialists, that board rendered an opinion on June 16, 1928, to the effect that, while all of the evidence does not convincingly show insanity at the time of the offense which led to the court-martial, there does exist a reasonable doubt as to his sanity at the time the offense was committed and recommended that the benefit of the reasonable doubt as existed in this respect should be given the veteran. In connection with the recommendation of this special board this service, on July 10, 1928, having in mind that, as usually viewed by the rating boards, the question of insanity is essentially a medical question concurred therein after that recommendation had been approved by the medical director.

In giving the consideration to the recommendation of the various groups and services which have been made to the director regarding the one question involved in this case, it is observed that all were in agreement that the question of insanity was essentially of a medical nature.

Let it be noted right here, Mr. Chairman, that the director himself recognized this when he stated to me, in the presence of Mr. Lynch, from the office of the general counsel, and Mr. Barker, from the office of the chief, information and cooperation division, on May 11, 1928, as evidenced by the memorandum of the chief, information and cooperation division, to the director, dated May 21, 1928—that he would again call together the special board which had sat on April 9, 1928, would find out just why they had made their findings as recorded, and would let me sit with them in their deliberations and decision. If a doubt was indicated as to the claimant's sanity at the time in question, he would be able to decide in the boy's favor. The special board met, so decided—as has been recorded in the brief—but the director did not resolve the doubt in the veteran's favor.

Major Smith continues:

* * * It is to be remembered, however, that the offense for which this veteran was tried by a court-martial, being criminal in nature, likewise has its legal aspects. From this standpoint it does not appear that full consideration has been given to the legal significance of the question in issue, or to the definition of insanity as used in the law books. The question to be decided by the director—that of insanity at the time of commission of the offense—is one of the issues that the accused can raise in defense of criminal charges against him. The question as to what constitutes insanity has been variously defined by the courts, but it is stated in 32 Corpus Juris 593 that—

"Upon questions of insanity the law attempts to ascertain whether a party is or is not possessed of such soundness of mind as renders him competent to do, or relieves him of the responsibility for doing, certain acts. In a legal sense, mental soundness is sanity; mental unsoundness is insanity. In this sense insanity is defined as such unsoundness of metal condition as, with regard to any matter under action, modifies or does away with individual legal responsibility or capacity."

In law there is a presumption of sanity. In criminal cases when insanity is interposed as a defense there is a conflict of authorities with reference to the burden of proof. Some authorities hold that the presumption that every person is sane until the contrary appears relieves the prosecution of the necessity of proving the sanity of an accused person; but where during the progress of the trial evidence tending to show the insanity of the accused is adduced, the burden then rests upon the prosecution to prove beyond a reasonable doubt that the accused was sane when he committed the crime. According to another line of authorities, however, the burden is upon the defendant to establish his plea of insanity, but as to the measure of the degree of proof required the decisions are conflicting. To render insanity effective as a defense it must appear that the accused was insane at the time of the commission of the act and not merely prior or subsequent thereto; but it is, however, well settled that it is permissible to receive evidence as to the condition of the person's mind both before and for a reasonable period after that time as tending to show his mental condition at the time in question. The main test which has been practically universally adopted in modern times and which is applicable to the ordinary cases where insanity is interposed as a defense is what is known as the right and wrong test or the ability to distinguish between right and wrong. This generally accepted rule was explained in the leading English case known as McNaghten's case, where in answer to a series of questions propounded by the House of Lords to the judges, as to the effect of insanity as affecting responsibility in criminal matters, it was said that:

"The jury ought to be told in all cases that every man is to be presumed to be sane, and to possess a sufficient degree of reason to be responsible for his crimes, until the contrary be proved to their satisfaction; and that to establish a defense on the ground of insanity it must be clearly proved that at the time of the committing of the act the party accused was laboring under such a defect of reason, from disease of the mind, as not to know the nature and quality of the act he was doing, or if he did know it, that he did not know he was doing what was wrong."

This rule is now the generally accepted doctrine of the American courts. (14 R. C. L. 600.)

Briefly this evidence shows that this man had a paranoid personality even before entrance into the service, and was thereby predisposed to insanity. He adjusted fairly well until about April, 1918, after which time he was in constant difficulty with comrades and superiors. This culminated in the offense in question—i. e., taking clothing and property of small value belonging to another—on June 2, 1918. He was incarcerated on charges, tried August 12, 1918, he interposed no defense, apparently not examined and found guilty and sentenced. Thereafter he was duly imprisoned, was found definitely psychotic in January, 1919, was judicially declared insane and a guardian appointed for him on November 29, 1924, and such guardian is still acting.

Based upon the facts set forth in the preceding paragraph, as well as the considerable amount of lay evidence in the file, including the testimony of L. V. T——, the former bandmaster under whom the veteran served at the time the charges were preferred; the statement of Dr. J—— A. H——, who was one of the naval physicians on board the battleship *Vermont*, on which the veteran served, to the effect that it is his sincere belief that E—— suffered from psychosis and was insane prior to June, 1918, the finding of Drs. J. Duerson Stout and Kenneth W. Kinney, consultants in neuropsychiatry, of October 3, 1927, and the findings of the special board of five neuropsychiatric specialists of June 16, 1928, which was approved by the medical director on the same date, it is the opinion of this service that the evidence of insanity is sufficient to justify the director in holding that the veteran was insane at the time of the offense for which he was court-martialed and given a dishonorable discharge. It is accordingly recommended that the director make such a finding.

Did he do so? He did not. Despite the request made of him in the concluding paragraphs of the brief that he review the case personally, inasmuch as it had been repeatedly before the advisory group, had been acted upon adversely in a perfunctory and prejudiced manner on each occasion, and had been favorably considered by every other bureau service save one, which had been overruled, the director again, on July 5, 1929, sent the folder to the advisory group with specific instructions to determine two questions, the first as to the sanity or insanity of

the claimant at the time of the commission of the acts in question, and the second as to whether a reasonable doubt might be found to exist.

The advisory group, true to form, following formal tabulation of all the bits of evidence in the file, stated that it had given careful consideration to the claim and had studied the entire record in detail and made only the bare observation that—

It is the opinion of this group that the evidence of record does not show the claimant to have been insane and does not establish a reasonable doubt * * *.

This decision, perfunctory and without any sort of explanation that properly should have followed the director's request and the many points raised in Mr. Kvale's brief was approved on September 7 by Mr. Lynch, Doctor Cracroft, and Mr. Jarnagin. Mr. Lynch, however, in view of his familiarity with the case and his desire to be entirely fair, entered, under date of September 9, 1929, a dissenting opinion, in which he observed that, while joining with the others in approving the decision of the advisory group for the purposes of the record, he could not follow their conclusions nor could he concur in the basis of the denial of the appeal as stated by the group. He said:

In fact, I believe that the evidence discloses that there is a reasonable doubt that the claimant was not responsible for his actions at the time he committed such offenses.

This is in line with his several former memoranda and rulings in this case. He goes on to state that this case should not be settled by the director on the basis of any doubt that may be present because of the action of the Navy Department. In this he is obviously offering legal advice that is quite out of line with all the other evidence and advice in the case and is open to serious criticism.

Despite that action, the next step of record is a letter dated September 20, 1929, shortly following the death of Mr. Kvale, and addressed to myself, signed by the chief, division of appeals, which read in part:

It is noted that a department of the Government has decided and reaffirmed such decision upon reconsideration that the claimant was not insane at the time the offenses in question were committed. In the absence of any definite finding by the medical specialists who have studied the case that the claimant was insane at the time the offenses were committed, it is not believed that a reversal of the findings of such department is justified.

That, please note, Mr. Chairman, despite the mass of rebuttal testimony on every statement and point that he covers and a wealth of authority and evidence from the many services within the bureau. He resumes:

After a sympathetic review of the complete evidence—

The sympathetic review he refers to is the review by the appeals group, without any elaboration of statement regarding the adverse decision, and in direct contradiction to the request made by Mr. KVALE, and supported by the array of facts contained in his brief—

* * * including the splendid brief submitted by your office, the conclusion has been reached that the evidence of record does not show the claimant to have been insane at the time he committed certain unlawful acts and that the evidence does not establish a reasonable doubt as to the claimant's sanity at that time. It has therefore been found necessary to sustain the previous denials of the appeal.

The records are now being returned to the regional office.

For the director:

R. L. JARNAGIN,
Chief, Division of Appeals.

The folder was then sent out to the Fort Snelling regional office. It happened that circumstances at that time prevented me from pursuing the claim actively. October 15, 1929, the folder was sent to Casper, Wyo., to the regional office there, in which area the claimant is dying from tuberculosis, hopelessly insane.

At my order, upon my return to Washington, the case was recalled to the central offices by instruction of Chief Clerk Black on December 16, 1929, when conferences were again had with the director and other offices in the bureau. A request for further consideration and personal action by the director, in accordance with his promise given in March, 1929, resulted once again in having the claim referred by the director on February 3, 1930, to the division of appeals, with a request that they familiarize themselves with the case and confer personally with him.

He asked in his memorandum to the chief, division of appeals:

I am attaching hereto request from Congressman PAUL J. KVALE for a rehearing on the above-captioned case, following a conversation I had with him the other day. This morning Mr. KVALE called me on the telephone, indicating he did not desire a personal hearing—

Of course, I did not desire a personal hearing or any further action by the advisory group or the newly formed division of appeals. That had been covered in the brief, before the brief was presented and since it had been submitted. Their action was a foregone conclusion. Such a step would have added to the farcical procedure. It would have magnified the indignity and the criminal delay and evasion—

indicating he did not desire a personal hearing; but, rather, requested a final consideration by the bureau of this case based upon the existing record.

Exactly that. Final consideration by the director personally, in accordance with the regulations and to exhaust the last avenue of appeal in conformity with his own orders. That should have been clear enough, for some time before this date. He had so acted, and had received far more than ample authority and recommendation from his several services and officials.

Will you—

He continued—

please have the council familiarize itself with this case so that they will be in a position to discuss it with me to-day or to-morrow?

That was done. Some time within the next few days that conference was had. The result of the conference, according to the record, was the following letter to myself from the director, dated February 12, 1930:

Following receipt of your letter of January 31, 1930, and subsequent to your discussion with me, the case of E—— has been given further consideration.

You will recall that this case has received attention by the bureau over a considerable length of time and that the claim has been consistently denied. The length of time this case has been before the bureau under discussion is due to the reconsiderations, which I have authorized responsive to your requests, to assure that nothing would be undone that properly could be done by the bureau in the interest of this disabled claimant.

The earnestness and sincerity which have characterized your presentation of this case before the bureau is appreciated, and I regret exceedingly that it is found necessary to deny the claim so far as the action of the bureau is concerned.

The claimant was dishonorably discharged from the service and such dishonorable discharge, under the law, bars him from the benefits of the World War veterans' act. That act also provides that if it be established to the satisfaction of the Director of the Veterans' Bureau that any person was insane at the time he committed the offense, which resulted in dishonorable discharge, then he may be entitled to the benefits of the World War veterans' act. It is contended in this case that the claimant was insane at the time of committing the offense, which resulted in his dishonorable discharge, and it is on that question this case hinges on appeal. The reconsiderations I have granted have dealt with that particular point and it has been necessary to deny the claim for the reason that it has not been affirmatively and convincingly shown that this claimant was insane at the time of committing the offense, which resulted in his court-martial and dishonorable discharge.

In the early consideration of the question on appeal the file was referred to the medical director, with instructions for study of the case by two specialists in neuropsychiatry at the diagnostic center. One of the consultants in his report concluded:

"Such evidence is too meager to definitely establish, beyond reasonable doubt, either that the claimant was mentally competent, or that he was incompetent, on June 2, 1918, the particular time he committed the offenses for which he was court-martialed."

The second consultant in his conclusion stated:

"There is very strong doubt as to whether the claimant was mentally competent at the time he committed the offenses * * *. The evidence available is not sufficient to definitely determine whether he was or was not competent at that time."

In the absence of an affirmative finding with respect to insanity at the time in question, further consideration was directed respecting the point, and on April 5, 1928, the case was referred to the medical director, with direction that the matter be considered by a board of five qualified neuropsychiatrists. This board submitted its report to me on April 9, 1928, as follows:

"* * * the members of the board, this day convened, are unanimous in the opinion that the evidence of record is not sufficient to show that this claimant was incompetent at the time he committed the offense for which he was court-martialed."

That recommendation was concurred in by the medical director.

Subsequent to the receipt of the board's report further evidence was submitted, and I directed the board to again take the case under ad-

visement, giving you an opportunity to be heard. The board further reported to me on June 16, 1928, finding in part:

"It is the opinion of the board that the additional evidence now submitted does not sufficiently show that this claimant was insane at the time he committed the offense for which he was court-martialed."

However, the board further recommended that the benefit of reasonable doubt be given the claimant and that upon such basis it be held that he was insane at the time of the commitment of the act which led to the court-martial.

Such recommendation did not receive my approval, inasmuch as it did not constitute an affirmative finding of insanity, and it was my judgment that the effect of the official action of a responsible department of the Government should not be reversed on the basis of doubt respecting the correctness of the action of that department. To the end that this claimant's interests be protected to the greatest extent, I submitted the case to the Secretary of the Navy on October 3, 1928, in the hope that upon a review of its records in the case that department might cooperate in the correction of any past error and the establishment of the true condition respecting the claimant's sanity at the time in question. The Secretary of the Navy responded under date of October 24, 1928, sustaining the action as taken by the Navy Department respecting the dishonorable discharge, and transmitting a report of the Chief of the Bureau of Medicine and Surgery in part as follows:

"It is the opinion of this bureau, therefore, that E—— was not insane on June 2, 1918, as there is no evidence to show that he was other than competent and that his actions were no more than frequently observed among young personnel as is evidenced by the statements of his comrades. The revocation of the sentence of general court-martial, in so far as the medical aspects of the case are concerned, is not justified as there is no evidence to substantiate the belief that this man may have been or was insane at the time he committed his offense, or prior to that time, nor do the affidavits submitted appear to establish any definite evidence of insanity prior to June, 1918. It is further the opinion of the bureau that E—— was given every consideration consistent with his punishment and physical condition when it became evident that he had become insane."

In the absence of any recommendation submitted to me showing affirmatively, from a medical standpoint, that this claimant was insane at the time he committed the offense for which he was court-martialed, and in view of the opinion of the Navy Department, as referred to in the foregoing, I have not felt justified in taking action contrary to the findings of the Navy Department and contrary to the legal effect of the dishonorable discharge in this case.

There has been, I believe, a full and sympathetic understanding of the contention presented in the brief which you submitted to me on March 5, 1929.

Study of the case has served to give me considerable sympathy with its merits. The fact that the claimant concededly is now insane and is also suffering from tuberculosis, together with the fact that his dishonorable discharge resulted from the theft of goods, amounting in value to an inconsequential sum, with the additional fact that he was officially adjudged insane while serving his court-martial sentence, all tend to the making of a case peculiarly fitted for individual consideration. The reports, as submitted to me, following the exhaustive study of the case by the bureau, convinces me that there is doubt respecting this claimant's responsibility for his action at the time he committed the offense which resulted in his court-martial, and considering all the factors in the case, I should be inclined to recommend favorably with respect to any contemplated relief action by the Congress.

Mr. Chairman, that, for the time being, concludes this astounding story. I earnestly hope it will be carefully noted, for it shows, far more vividly than any statement or other unsupported evidence, that claimants do not now receive the benefits of reasonable doubt in many cases, and that they have a long and discouraging trail to follow before they find the benefits under this act which Congress clearly meant them to have.

Incidentally it suggests to us that, much as we may gesticulate during consideration of this measure to broaden its scope and bring other meritorious classifications within the purview of its presumptive section, these claimants still have gaps to bridge which are almost insuperable. Have no misgivings.

And that, Mr. Chairman, is only one claim. If time permitted, and I thought I could quote them without embarrassment to them, I would like to repeat some of the comment that occasionally comes in letters from discouraged and despondent veterans. For that matter, any number of similar cases can be brought up from your own experiences. Not all of them would be as involved, perhaps, but each claim will have its peculiar points of dispute, and each will present some problem that some subordinate bureau employee has had to settle, for the moment at least. The director can not pass upon each claim—that we know—so, partly to protect him, and partly in an effort to prevent such things from happening again, I shall offer an amendment—which I hope the chairman of the committee will accept—to strike from the language of section 23 the words "to the satisfaction of the director." The intent is clear. They should not have been in the act in the first place. The claim I have reviewed is a glaring example of the injustice that can be worked as a result by the undue care and caution of the director in this particular case. Not once but dozens of times doubts have been resolved against this claimant. It is unthinkable that it has dragged so long.

First, as the general pointed out in his testimony before the committee, one of the great stumblingblocks has always been the fact that, even with presumption of disability, all veterans have had to show, as of a certain date, a disability that was in degree 10 per cent or more. And Doctor Cooley's testimony bore him out. That fine executive frankly stated that there was no definite measurement by which to gage this ephemeral 10 per cent. And if any Member has tried to insist on a definition, he knows what kind of reply he has received. Does this 10 per cent mean that the veteran must be disabled 1 hour out of 10? Must he be bedridden part of the time? Must he lose a day in 10? Must he have to lay off work 1 month in 10? What is the definition? Why not 9 per cent? Why not 11 or 13? Evidently an arbitrary limitation, with no possibility of standard determination. And it has wrecked many a deserving veteran's chances of compensation or of tracing a presumptive disease or disability, despite the director's assurance that the bureau has tried to be liberal in its administration of this provision. In my State of Minnesota it has to date barred 2,236 veterans who have proved service connection but still have to bridge the 10 per cent gap. This provision should be removed from the bill. Mr. Chairman, I hope that this Congress will soon do so. The act might amply safeguard payments of compensation by specifying that they should be in order if the claimant could show, as of a certain date set up as a dead line, an actual and a traceable degree of a disability that may have been much more pronounced later on. It would bring relief to a substantial number of manifestly deserving cases which are technically barred under the present wording of the act from receiving benefits thereunder.

Mr. PERKINS. Will the gentleman yield?

Mr. KVALE. I yield.

Mr. PERKINS. Referring to the gentleman's last remark, I would like to quote Doctor Cooley's testimony. On page 124 Doctor Cooley said:

I believe it is more or less a matter of judgment, but if he is apparently near 10 per cent, the practice is to give the man 10 per cent.

Would the gentleman advocate taking away the 10 per cent, so that any disability would draw compensation?

Mr. KVALE. I would.

Mr. PERKINS. Would it be on a ratable basis?

Mr. KVALE. I would not say that, necessarily. I would say that if any claimant can show a pathway leading from his present disability—that may far exceed 10 per cent—leading back through the years between the time of his condition as it now exists, and the service, and show that that condition was clearly traceable, directly traceable to his service, no 10 per cent limitation should arbitrarily be set up. Why not 9 per cent? Why not 11 per cent? That is the point I am making, and that is all. I think it can be sustained from the experience of any gentleman who has had any dealing with these cases, in trying to secure a satisfactory adjudication.

Second, even with presumption clauses opened wide, the rebuttal provision remains in the act, and this has operated time and time again against the claimant. Added to that, a drastic change is obviously needed in the operation of the appeals agencies all through the bureau. I say again what I stated to the chairman of the committee during the debate a week ago, during his illuminating and interesting explanation of the bill, that for all practical purposes the reviews and the appeals conducted by these boards are often no more nor less than perfunctory quotations from preceding decisions in the claim, and come far from being the careful reviews they pretend to be. I contend, Mr. Chairman, the record of this claim amply justifies the charge I make.

Mr. JOHNSON of South Dakota. Will the gentleman yield?

Mr. KVALE. I yield.

Mr. JOHNSON of South Dakota. The rebuttal provision referred to by the gentleman is in both bills.

Mr. KVALE. It is in both bills. I am only attempting to show that it does not go as far as some of us think it will. Some extreme cases cited here to-day will never be paid, for the reason that the Veterans' Bureau will be permitted to show conclusively that that condition did not arise as a result of the service of the veteran in question.

Mr. JOHNSON of South Dakota. If it can be clearly shown that the condition was not caused by the service, there is no reason why the man should receive compensation, is there?

Mr. KVALE. I have no quarrel with the gentleman from South Dakota on that point. I only say that some of these extreme cases can not be paid, and for that reason should not be cited to the Members of the House in this connection.

What is worse—and I have seen it happen—regional rating boards more often than not "pass the buck" on doubtful or so-called border-line claims on the ground that the claimant's right to appeal his claim through the area office and, if necessary, to the central office is ample protection. Statistics presented to the committee show that about 20 per cent of them are reversed. Those same statistics, I am proud to say, show that our Fort Snelling office, in Minnesota, is somewhat above the average in this respect, and yet it is to-day paying compensation in only 6,856 out of 25,641 claims filed to date.

Practically one out of five—or surely every one that has any element of doubt connected with it—instead of being resolved in the veteran's favor, is passed along to the next higher appeals agency, and from there in similar proportion on up to the last avenue of appeal, where the customary adverse decision, with occasional exceptions, is approved by the director. Happily the situation seems recently to be undergoing some sort of change. And yet there are rumors that when one group has reached a favorable decision an outside member has stepped in and reversed it.

Even then a steadily increasing number of appeals is pouring in. This last year it was 12,500. To-day you must wait two weeks for an appointment with one of the boards if you desire to go there to plead personally for some veteran. They are overworked, swamped in work, victims of their own mistaken policies and interpretations of the director's instructions and the laws that govern their procedure. Of course, it must also be said at once that there is some ground for excusing the officials and the personnel of these boards. Certainly no one would presume blindly to condemn all members. I know personally of many conscientious, liberal, hard-working members of these boards and groups. I know they have taken to heart the spirit of the law and the regulations, and try to evaluate evidence and reach their decisions after generous and fullest consideration of doubtful points and favorable evidence. Yet even here they contend with things, such as the system of records of output, to which I referred in my testimony before the committee. This damaging and thoroughly bad practice tends to make the whole system more vicious when record is kept of the numerical output of reviewed claims for individual members of these groups. What little opportunity there is for the central agency to correct the faults of the regional offices disappears; what chance to escape the too prevalent practice of casually quoting entire phrases and paragraphs from preceding decisions—and endless instances might be cited—is practically eliminated.

This practice, it developes, was first instituted with the idea of reducing the cost per case of these appeal actions, and to speed up the overworked appeals division. And yet it is clear that it has only made confusion worse confounded; it has defeated its first and only purpose, and will work endless damage unless the director takes prompt steps to wipe it out forever. When he is able to effect a changed policy in these border-line cases, and see that occasional doubts are resolved in the claimant's favor, this congestion in the council of appeals offices will largely dissolve.

So, that touches one purpose for which this brief and review has been inserted. Members can cite this, hereafter, to show where the fault lies in incurring these costs of appealing decisions, and where lies the responsibility for waste of time, effort, energy, and public funds—not to mention the claimant's patience and confidence in the ability of his Government to see that his interests are protected. Congress must step on this effort to attain "efficiency" and "speed" in reviews, and step hard, for it removes the one faint chance that remains to the claimant of securing fair treatment and consideration of the appeal which has gone out from the regional office.

To be fair, however, I can mention right here that last week, by personal order of the director, one claim—I will give the name and C number on request—was given a rehearing after an adverse decision by the appeals group had already been approved by him. I appeared for the claimant, together with the Legion's splendid representative, Doctor Shapiro. The director, then, was responsible for permitting the group the opportunity to revise its previous ruling, and to decide for this particularly deserving claimant in a claim that hinged almost entirely on lay evidence. Benefits are now being paid. So such things actually do happen.

Mr. PERKINS. Will the gentleman yield?

Mr. KVALE. Yes.

Mr. PERKINS. These boards are largely composed of medical men, and the difficulty seems to be that medical men are not in the habit of weighing evidence and give too much attention to medical testimony and not enough attention to lay evidence.

Mr. KVALE. The gentleman and I are in agreement on that. But, after all, they should happen far oftener. Why should this veteran and his dear ones have been made to suffer all this worry, suspense, and agony? The system itself is at fault. The record in the case which has been covered in detail will speedily convince any fair-minded student that the director must change his appeals set-up, and must do so promptly, so that the veteran can be insured some measure at least of the benefit of the doubt in his claim. If he fails to do so, Congress must act. This is the great problem and can not be met merely by increasing potential benefits under the law, by broadening the scope of the legislation, or by action of such a nature. The bureau itself needs a change of heart, perhaps some more specific instructions from Congress. For as to the intent of Congress there is no question.

Mr. Chairman, I would like to see the gentleman from South Dakota [Mr. JOHNSON], who is chairman of the Veterans' Committee, propose or accept an amendment to the bill which will see that the law includes a specific charge to those who administer this act that in the adjudication of claims, under the provisions of section 200 of the act, as amended, the benefit of reasonable doubt shall be resolved in favor of the claimant. It might include—or another proviso might here provide—that the bureau be estopped from using statements as to soundness of physical condition made by veterans either at the time of enlistment or of discharge. Both were made under stress, statements in both cases were unsupported assertions with a vast number of reasons to believe that they might be only in part the truth or deliberately misleading. In any case it is little short of criminal that such unsworn and unsupported statements should be considered rebuttal of any amount of sworn testimony and evidence that the veterans submit later in connection with their claims.

That is embodied now in the preamble to the schedule of disability ratings in regulations and general orders published by the director. But they are ignored—even by the director himself, as has been shown—or scant attention is paid them. If we put it into the law, in black and white, right under their noses, they will have to act accordingly. Then, if they still persist in disobeying the liberalizing instructions, I believe—and I intend to find out definitely whether it is so—that we can prefer specific charges against some of the chronic offenders, and so improve the service.

Again, we need a section in the act which will adequately provide for a class of veterans that has been neglected up to this time—the so-called C. P. I.'s. This group, the constitutional psychopathic—inferiority state—having an inability rather than a disability, being permanently handicapped, is now out of the compensation picture entirely. It is most unfair. These men were accepted for service, presumably mentally and physically fit; they were handicapped at the outset, were accorded no special recognition nor given special preference. They were just another cog in the machine, indistinguishable in any essential from the rest of the great army of recruits. They performed the routine and standard duties and services.

Now, after their service and subsequent discharge the bureau tells us theirs was a constitutional defect. They would have been so and so had there never been a war; they have inadequate personalities; they are forever to be estopped from asking compensation for their defects. Not only that, but the bureau declines to grant any service connection for mental disorders or nervous disorders that are superimposed on this C. P. I. state; in the face of the fact, admitted by their own neuropsychiatric experts that such men put under military routine and discipline, exposure and hazards, are more susceptible to nervous diseases than any other one group.

The bureau holds—and I am convinced against the intent of Congress—that these men have no claims to consideration. I have many such claims, and so have you, which arouse the most profound sympathy. So I shall ask the chairman again to consider this amendment to create a special and separate section of the act, which would insure to every such man a measure of justice. Such a section might provide, say, for a minimum monthly compensation payment of $25. That would be relatively little, totaled annually for such a group. If the claimant under such a provision had other compensable injuries giving him a combined rating which would permit his compensation payments to equal or exceed that amount, the amendment would be inoperative. Up to and including an aggregate of $25 it would operate. Thus it would prevent him from being left out in the cold, as is now the case.

The gentleman from Ohio [Mr. FITZGERALD] has given notice of his intention to offer an amendment to provide, in part, for a flat increase of 10 per cent in the rate of compensation for any actual battle casualty. I am for it, and hope he will change it on introduction so it provides for a 20 per cent increase. It can

be stated that the director is in favor of such legislation, and that representatives of the service men's organizations likewise want it. It should have been a part of the law long ago. Its cost would not be prohibitive.

It is fairer far than the committee proposal which provides for payment, in certain and specified cases, of a separate compensation payment monthly of $25, in addition to any other compensation that may be payable, to men injured in line of duty during the actual war period. That takes care of all specified accidents, here or abroad or in combat, from the day war was declared to the day the armistice was signed.

If that amendment is to remain in the bill, it should be remembered that since the purpose of this section is admittedly to care for the actual battle casualty, the dates should be changed so that the amendment is not operative until after the date our troops actually engaged in combat with the enemy, its provisions should be restricted so that it would apply only to those who sustained wounds or gas disabilities or other casualties in actual fighting, and the final date should be set off to care for those wounded after the actual moment of the signing of the armistice, and for those who were fighting in far-off Siberia, ignorant of any negotiations or cessation of the struggle.

Since this, according to the report, is one of the two major purposes of the bill, it should have careful thought. In view of the above, and in the face of the administrative difficulties there will be in connection with adjudicating the claims arising out of gas poisoning and other disabilities more difficult to trace than bullet or shell wounds, it may be that the House will desire, as a sort of compromise, to include the amputation bill sponsored by the gentleman from Minnesota [Mr. NOLAN]. This will have the advantage of caring for a group that have not been adequately compensated thus far, and who do need help, although, as was pointed out in the hearings, such a plan, if adopted, would do violence to the method thus far used of paying on the basis of the pre-war occupational handicap.

The report goes on to state that the other purpose of the bill is to modify section 200, which deals with the presumptions of service connection for certain diseases and disabilities, so that it will take in disabilities which are now wrongfully discriminated against. In this phase of the legislation, proper credit is due the chairman and the members of his committee, is due the three representatives of the veterans' organizations who have done such valiant work, but is due, more than to any other one man, to the gentleman from Mississippi [Mr. RANKIN], who has led a tireless fight, has studied, and worked, and stimulated interest, and then sustained that interest. Mr. RANKIN, I want, for one, to voice my gratitude to you for your efforts.

The Swick bill has been mentioned and has been discussed by several Members and has had a great deal of informal debate in cloak rooms and elsewhere off the floor. I, too, Mr. Chairman, am interested in this measure, but I feel one or two points should be made very clear.

As for the position of the veterans toward this bill—if that is to be one of the considerations that is to guide this House in legislation—the testimony before the committee might be consulted. It is perfectly clear. It shows that at least one of the great organizations have sponsored this legislation, but—and note this well, for it is most important—as a part of the general legislative plan which the Johnson bill embraces.

Refer to H. R. 9801. That was the bill brought in by request of the Veterans of Foreign Wars. Section 20 of their bill for all practical purposes is identical with the provisions of the Swick bill. It was introduced, by the way, after the gentleman from Pennsylvania had introduced his own bill. But it shows that they want this only as a part of the whole scheme and had given no thought to possible adoption of the section as a substitute for other legislation or as a separate measure.

That is significant, because while it appears to have a strong appeal through its provisions that would care for a larger group of veterans and dependents, would extend benefits to veterans not now eligible and not to become eligible even under the proposed Johnson bill, as well as to certain widows and children otherwise excluded from the pension or compensation picture, it would have quite another effect. See what would happen.

True, it would not touch veterans and others now on the compensation lists and receiving benefits under service-connected disabilities. But note, please, that the Rankin bill and the Johnson bill and all these other bills were brought in specifically to care for a number not now receiving compensation and whom it is generally believed have been grossly discriminated against. These men under the Swick bill would not be brought into the picture to the extent that they feel is proper; this bill would place them in a completely different category and would forever make it impossible for them to be brought to the level of the cases now coming within the presumptive sections that we have been debating. They want the opportunity to show that their marked and serious disabilities are due to service, and then to receive compensation that their claim may warrant, and that is the whole feeling that has resulted in the consideration of the Rankin bill and other bills, in the favorable report of the Johnson bill and the action of the House upon that bill at this time. That is what the veterans want.

And I say now that even though it were said to me that they did not want the Johnson bill, but did want the Swick bill at this time, I should hold the same position I now hold, for I can not conceive of the propriety of any other position. I can not feel that we should attempt to legislate on the basis that only a relatively small amount is available for this work, and that we have to spread that amount then among a large number, rather than continue to give attention that is at least reasonably adequate to the more severely disabled and crippled veterans. The time will come, perhaps, before long, when such a position will not be sound. But to-day is not that time.

How many Members have noted that General Hines in a formal report to the committee stated that section 20 of H. R. 9801—identical with the Swick bill in every essential—would cost, the first year of its actual operation, the sum of $461,000,000. That is the figure, and for the first year alone.

Tuberculosis seems to be the major problem now in hospitalization as well as in compensation and rehabilitation of veterans. To-morrow it will be the cardiac diseases, and the next day it will be cancer—those great scourges that seem to delay their onset. And we must be ready to face them. In that the special committee will be able to make careful study and come back to us with the benefit of their research and investigation and with definite recommendations. But I feel that, pending adoption of some comprehensive policy that is to be permanent, we can not cut off the benefits proposed to be extended in the Johnson bill and turn to anything like the Swick bill at this time as a substitute measure.

Many other features of the present law and desired amendments thereto might be discussed. I hope that during debate on this measure some others will give attention, for instance, to the matter of present troubles in the section of the act dealing with apportionment of compensation. I hope some one can talk about the proposal of the veterans' organizations for a new section setting up an employment division and tell the House what were the reasons why the committee did not include this item in their bill. I hope to have some information also why there is omitted from the bill the amendment which would have added dependency allowances for veterans given a permanent rating, such as are granted those with the temporary ratings. I can say that in Minnesota we have 1,084 permanently and totally disabled veterans that are watching this item.

These and many others might be discussed. This is a most interesting and enlightening debate. But in conclusion, I repeat that the one great problem, as I see it, is the problem that legislation apparently can not correct, but that must be met through other steps. That is the problem that arises out of the attitude and the policies that seem to sway these appeals agencies. Let that be changed, let the director himself, and his entire organization, live up to the letter and spirit of the written rules and regulations that now are supposed to govern them, and we will have no more of these heart-breaking delays, of the thick files that have been mentioned and exhibited, of the adverse decisions in the doubtful cases, and of the endless series of justifiable and questionable complaints and protests that we all receive. In that, we can all help. Let each Member that meets with unusually flagrant cases such as I have described make an open protest. I intend to do so if it appears to be necessary. And, in the meantime, let us perfect this Johnson bill, and pass it speedily. [Applause.]

Mr. RANKIN. Mr. Chairman, I yield 10 minutes to the gentleman from Alabama [Mr. OLIVER].

Mr. OLIVER of Alabama. Mr. Chairman, I venture to predict that when this bill is considered under the 5-minute rule, we will have, as we should have, a full attendance of the membership of the House. The very fact that the Veterans' Committee has been unable to agree on a unanimous report suggests to every Member of the House the importance of being here when this bill is considered under the 5-minute rule. Why? This bill presents, in a peculiar way, problems that affect your constituents, problems that affect them in a way that every Member will be held responsible for an individual study of the separate provisions of the pending bill. There is no Member here who does not represent a large number of World War veterans, many of them disabled. There is not a Member here who has not had told to him over and over again the shortcomings of the existing law in providing methods for aiding these disabled veterans. There is not a Member here who should not be interested in placing on the statute books

only such laws as are fair to the veterans and to the Government.

I have not risen for the purpose of advocating at this time any particular bill, but simply for the purpose of calling attention to some provisions, which I think you may be interested in a further study of.

Before doing that, let me very briefly reply to that part of the speech made by the distinguished gentleman from Massachusetts [Mr. LUCE], in which he undertook to make a technical criticism of the use of the word "pension" as found in the reply of the Director of the Bureau, General Hines, to Mr. SNELL. It makes no difference whether allowances to the wife and children of a disabled soldier, whose disability is not connected with service, are called a pension or not, and that is not the point the director sought to emphasize. He sought only to discuss, in an informing way, that proposal of the committee, and nothing appears to show that the director disagrees with the statement of Mr. LUCE that the purpose of the provision is humane.

Here is a disabled veteran in a hospital whose disability is not service connected. He earns less than $1,000 and has a wife and minor children. In all such cases the Johnson bill proposes to pay $40 a month to the wife and minor child, and the director simply called attention to reasons why this provision of the bill, as drawn, would not place all disabled veterans entitled to hospitalization on an equal basis. In other words, he was answering the argument of humanity that Mr. LUCE made by showing that the Johnson bill, as drawn, would not extend allowances to all disabled veterans entitled to hospitalization.

I quote from General Hines's statement the following:

> It would not be so bad if we were prepared to embark upon a pension program at this time, and if it were not for the fact that it creates such a marked discrimination, under the existing law, whereby all veterans are furnished hospitalization for all disabilities whether due to service or not within the limits of available facilities.
>
> The Congress has only to date authorized construction essentially for the existing or contemplated service-connected load. It has not undertaken a program of construction to provide sufficient beds for all non-service-connected cases; therefore, those in need of hospitalization and for whom no beds are available would be at a great disadvantage over the veteran who is able to obtain a bed, and, in addition, the provisions above indicated for his dependents.

So what he said was that all disabled veterans of this class would not be on a basis of equality, and that if such provision of the Johnson bill is approved in that form, then, until the Government can provide Government hospitals for all veterans entitled to hospitalization, authority and funds must be given to furnish beds at private hospitals, otherwise you will extend the benefits of this provision only to a limited number of those you seek to aid.

Why? Because the director here serves notice on the Congress that if you pass this provision, Government hospital facilities are inadequate to meet the needs in even a measurable way, and you will have a large number of disabled veterans equally entitled to a family allowance who will not be able to claim it since you have made hospitalization a prerequisite to the payment of such compensation. You must provide hospitalization for all who are disabled and entitled to these allowances in order that they may be placed on a basis of equality.

The gentleman from Georgia [Mr. RUTHERFORD] has been greatly interested in the arrested tuberculosis cases, and I want to call the attention of the gentleman from South Dakota [Mr. JOHNSON] the chairman of the committee, to the amendment his bill proposes. In his absence, will the gentleman from New Jersey [Mr. PERKINS] please pay attention to this comment?

The gentleman from Georgia a few minutes ago asked Mr. JOHNSON if the Johnson bill was enacted into law whether it would reinstate on a rating of $50 per month all arrested tubercular cases, which at any time in the past had been given such a rating. The answer of the chairman was that it unquestionably would. I respectfully submit, that, under the language carried in the Johnson bill by way of amending existing law on this subject, the answer of the chairman of the committee will not be found correct. It must be borne in mind that the presumption relating to physical soundness at the time the veteran entered the service, where no notation of disability appears at the time of enlistment, does not apply and has no probative force except in those cases where some disability was noted while the veteran was in the service. As to a disability notation while in the service, the presumption of soundness at the time the veteran entered the service, unless such disability was then noted, precludes the bureau from holding that such disability existed prior to service. If the disability of which the veteran complains was not noted while in service, but only after his discharge from the service, then the presumption of soundness, attaching at the time of his entering the service, is not held by the bureau to preclude the inference that the disability may have existed prior to enlistment.

If there be any members of the committee who question the correctness of this assertion, then I pause for correction. Remember that the $50 per month compensation for arrested tuberculosis was granted in a number of cases where the notation of arrested tuberculosis was made after the veteran received his discharge, and the language carried in the bill by way of amendment to existing law unquestionably would not restore these cases to the pay roll of the bureau. I need only to quote the existing law and the provision carried by way of amendment thereto in order for this to be made clear to any lawyer familiar with the rules and regulations governing ratings by the bureau. The existing law reads as follows:

> That any ex-service person shown to have had a tuberculous disease of a compensable degree, who, in the judgment of the director, has reached a condition of complete arrest of his disease, shall receive compensation of not less than $50 per month.

The proposed amendment would make this provision read as follows:

> That any ex-service person shown to have had a tuberculous disease of service origin, whether active or otherwise, would receive compensation of not less than $50 per month.

A mere notation of arrested tuberculosis noted in the veteran's file subsequent to the date of his discharge and prior to January 1, 1925, will not, under this amended language, show a tuberculous disease of service origin, and I think the chairman of the committee will find on inquiry at the bureau that I am correct in this statement.

I am not unaware that the word "active" has been stricken out in the proposed amendment to section 200 as it relates to tuberculosis.

If it is the purpose of the committee, then, to give $50 per month compensation in all cases where, prior to January 1, 1925, there appears a finding by the bureau to the effect that the veteran had tuberculosis, apparently arrested or quiescent, then clarifying language should be inserted so as to make definite this purpose. I call this to the attention of the committee in the hope that if I have correctly stated what the purpose of the committee is and which the chairman of the committee has given assent to in reply to a question from Mr. Rutherford, then some further amendment should be offered by the chairman of the committee to effectuate this purpose.

To repeat, since the amendment requires the tuberculous disease to be "of service origin whether active or otherwise," no notation of arrested tuberculosis, unless made while in the service, standing by itself, will entitle the veteran to the $50 per month compensation.

I shall seek an opportunity to call attention to this provision further when the bill is being read under the 5-minute rule.

For the information of the House I am inserting, under leave, a letter to the director under date of September 26, 1928, relating to matters which I understand the committee by this proposed amendment seeks to correct. [Applause.]

> COMPTROLLER GENERAL OF THE UNITED STATES,
> *Washington, September 26, 1928.*
>
> The DIRECTOR UNITED STATES VETERANS' BUREAU.
>
> SIR: Consideration has been given to your letter of September 5, 1928, requesting decision of the following questions:
>
> 1. Whether a showing of arrested tuberculosis prior to January 1, 1925, where no notation of a tuberculous condition was made at enrollment or enlistment, is a showing of active tuberculosis prior to January 1, 1925, as provided in the second proviso of section 200, it being accepted as a medical fact that where there is a condition of arrested tuberculosis there has been precedent activity.
>
> 2. Whether the statutory award of $50 per month is payable under the provisions of the third paragraph of section 202 (7) of the act as amended, where no notation of a tuberculous condition was made at enlistment or enrollment; inactive or arrested tuberculosis was noted of record during service; no evidence of record that the condition has been active; the condition is now determined to be in a state of arrest; the disability resulting from the arrested tuberculosis has been rated as service connected and compensable.
>
> Your letter sets forth arguments, reported as having been advanced in the Veterans' Bureau, in support of an affirmative and negative answer to both questions. Each of said arguments has received careful consideration, but it is not deemed necessary, in this decision, to state or answer each argument or contention in detail.
>
> Section 200 of the World War veterans' act, and as amended by the act of July 2, 1926 (44 Stat. 793), created two separate conclusive presumptions. The first is as to soundness at the time of entering the

United States service, and the second is as to "active tuberculosis disease" and had reference to those cases in which the tuberculosis disease had developed a 10 per cent degree of disability or more prior to January 1, 1925. (See 4 Comp. Gen. 828, sec. 202 (7) of the statute as amended by the act of July 2, 1926, 44 Stat. 796, provides, in so far as here material, as follows:)

"That any ex-service person shown to have had a tuberculous disease of a compensable degree, who in the judgment of the director has reached a condition of complete arrest of his disease, shall receive compensation of not less than $50 per month: *Provided, however,* That nothing in this provision shall deny a beneficiary the right to receive a temporary total rating for six months after discharge from a one year's period of hospitalization: *Provided further,* That no payments under this provision shall be retroactive and the payments hereunder shall commence from the date of the passage of this act or the date the disease reaches a condition of arrest, whichever be the later date."

While it may be a medical fact that where there is a condition of arrested tuberculosis there has been precedent activity, there is no purpose or intent disclosed in any portion of the statute to give cognizance thereto by imposing such a conclusion of fact upon the statutory presumption either as to sound condition upon entering the service or as to the man's condition prior to January 1, 1925. The second conclusive presumption with respect to service origin created by section 200 refers only to "active tuberculosis disease of 10 per cent degree or more" shown to have existed prior to January 1, 1925. This provision was first enacted by the World War veterans' act of June 7, 1924 (43 Stat. 616), and the first statutory presumption with respect to soundness upon entrance into the service was first enacted in a form other than now appearing in the statute, by the act of June 25, 1918 (40 Stat. 600). Section 200 (7) above quoted, authorizing payment of not less than $50 per month disability compensation for arrested tuberculosis was not enacted until July 2, 1926 (44 Stat. 796). It is unlikely that the Congress enacted the latter provision with a view of connecting it up with the earlier provisions of section 200 in such a manner as suggested. Evidently the intent of section 202 (7) was primarily to recognize the need of aiding beneficiaries who had been suffering with active tuberculosis and have so far recovered as to have their condition rated as arrested, an amount not less than $50 per month being provided with a view to aiding the beneficiaries to so live as to prevent a recurrence of the disease. In any event, in the absence of clearly expressed legislation providing to the contrary, question 1 must be, and is, answered in the negative.

It is noted that an inactive or arrested tuberculosis condition may be rated as service connected and compensation paid therefor, although there is no record of an active condition due to service. While possibly this matter would be for medical ascertainment, it is difficult to understand how a disability rating as of service connection may be based on a completely inactive or arrested case of tuberculosis. The express provision for payment of not less than $50 per month in cases of arrested tuberculosis following active tuberculosis reasonably may be viewed as showing that the Congress thought it necessary to provide specifically for cases of arrested tuberculosis, and that the condition itself would not otherwise justify a compensable rating. But if the bureau has considered a compensable rating justified on the basis of inactive or arrested tuberculosis due to service, as a medical finding alone, this office does not deem it within its province to make further objection thereto. Certainly, however, there is nothing in the statutory presumptions alone—and in the absence of a finding based on the physical condition of the veteran—to justify such result. With respect to the award of not less than $50 per month for arrested tuberculosis, section 202 (7) of the statute, clearly contemplates that the beneficiary must first have had an active tuberculosis disease of service origin for which compensation was payable. This is reasonably clear from the evident intent of the section as stated under question 1, and by reason of the proviso which saves to the beneficiaries alternate rights after hospitalization for active tuberculosis. Question 2, also, is answered in the negative.

Respectfully,

J. R. McCARL,
Comptroller General of the United States.

Mr. RANKIN. Mr. Chairman, I yield 10 minutes to the lady from New Jersey [Mrs. NORTON], a member of the committee. [Applause.]

Mrs. NORTON. Mr. Chairman and members of the committee, as a member of this committee I have listened with much attention to the arguments that have been presented here to-day for your consideration. I have a great deal of respect for every member of the Veterans' Committee. I think we all have tried to do our duty as we have seen it. I fully realize that the majority members of the committee are handicapped to some extent, but I do not believe that any one of them would want to do a single injustice to a disabled veteran.

I was very much interested in listening to my colleague the gentleman from Massachusetts [Mr. LUCE], but one of the arguments that he brought before the committee seemed to me a rather poor one—the expense involved in this bill. It is not worthy of the gentleman.

I do not believe that any Member of this House, regardless of expense to the Government, would consider or want to feel that any disabled veteran had suffered one single mental or physical pain because of lack of appropriation by the committee.

My choice would have been the Rankin bill in its entirety, as from the communications I have received from disabled men everywhere it seems to be the bill they prefer.

Perhaps we are fast approaching the crossroads of veterans' legislation, and we may soon be called upon to decide whether or not all veterans shall be regarded as equal. If and when that day arrives, Congress shall be called upon to discuss the pension system.

In the meantime let us not only do our duty toward these disabled men who donated their youth and precious health to a great cause, but let us go a step farther and give them the benefit of every doubt when their cases come up for final adjustment.

Many mistakes seem to have been made in the Veterans' Bureau, probably due to overzealous clerks anxious to appear as economic experts, and instead of giving a man the benefit of the doubt, they have preferred to save a few Government dollars at the expense of the veteran.

The Veterans' Bureau is suffering from a disease commonly called "red tape."

For the head of the bureau, General Hines, I have the greatest admiration and respect, and feel confident that the mistakes made did not originate with him. Probably if he could at all times use his personal judgment in adjusting cases, the unhappy conditions constantly arising would be fewer in number.

I have in mind a case that has been in the files of the Veterans' Bureau for several years, wherein the medical board has defied evidence submitted from noted medical specialists—with far more experience than any man serving on that veterans' medical board—preferring to economize in favor of the bureau and their own personal ambitions.

However, I do not hesitate to say there are many exceptions in the bureau. I happen to have knowledge of one who takes a personal interest in every case that comes before him; toils faithfully and loyally for the Government. Unfortunately, he is not a high-salaried official—the deserving ones never seem to be—he is just the modest, unassuming cooperator of the Veterans' Bureau, Mr. Samuel Rose. No doubt many Members have come in contact with him and had the same personal experience that I have had. He not only cooperates but produces results by his untiring efforts.

We must never lose sight of the fact that the 86,000 disabled veterans requiring compensation, whose cases do not come within the meaning of this new law, may be more worthy of consideration than many who are already receiving benefit, and that their services were needed and accepted by a grateful people when the fate of democracy in a free country was the big issue before us.

We can not bring to life those whose lives were snuffed out, when life and love stretched before their awakening manhood.

Their sacrifice can never be repaid; but we should keep faith with the dead by assisting those who require our care and protection now.

We can not bring sight to those blinded; we can not supply an arm or leg to those who have lost theirs; nor cure the poor sick brain or wornout body racked with pain; but we can and we must aid in every way within our means, encourage and assist these beloved veterans to carry on.

Let it not be said that this rich Government demanded the services of our sons in time of stress and deserted them when they and theirs asked for simple justice.

This is our time to prove our gratitude, and a grateful Nation will not reckon the extra dollars and cents necessary to help the man, whether or not he comes within the established presumptive period or failed to establish his claim.

If he answered the call to arms and was honorably discharged from service, we should recognize his claim upon a rich government and grant him compensation and care.

This is not charity, it is simple justice. The privation and suffering our boys endured is bound to react unfavorably upon them in middle life and whether they were discharged well or otherwise no one will be so unfair as to believe that their changed manner of living and hardships necessarily suffered during the war will not militate against them as the years go by.

I sincerely hope the membership of this House will go on record as unanimously approving the Rankin amendment and thereby assist, in so far as we may, the comfort of these men who contributed so generously to a nation in need.

Mr. CONNERY. Will the lady yield?

Mrs. NORTON. I will.

Mr. CONNERY. I am going to offer an amendment bringing the Johnson bill up to 1930, and from what I know of the lady's activities in the committee I am sure she is going to vote for my amendment.

Mrs. NORTON. The gentleman may be absolutely certain that I shall do so.

Listening to the debate to-day, my mind reverted back many years ago to the days when we were doing "our bit" to help win the war. I served at Camp Merritt, the camp from which our boys went overseas, many of them to their death. I recall many incidents of that service. One stamped in my memory is of an old father from the plains of the West who came looking for his boy. He had been told that the boy had gone, but he said, "I did not believe it and I thought perhaps I would be lucky enough to find him here," and he did. The boy had his head shaved then, ready to embark the next day. It was very pitiful to see this poor father. He had brought some fried chicken and some homemade cookies, some pie and other things that he thought his boy would like. He said, "I do not know whether they are spoiled or not, but he loved his sister's cooking and I thought he would enjoy this before he went across." That boy, my dear colleagues, never returned. He was only one of a great many.

I have been thinking of this and of many other pitiful incidents witnessed back in 1917 and 1918. Had anyone suggested to me at that time that one day it would be my great privilege to serve in this distinguished body I would have thought it a dream. Since the dream has come true and the voters of my district have seen fit to send me here I want you to know that in so far as I may I shall leave nothing undone to secure justice for the men who have suffered so greatly in serving their country. If the bill costs $300,000,000 or $500,000,000, it will never compensate them for what they have endured. I do not believe our President will quibble over a question of that kind. I recollect very well that during the war Mr. Hoover came to my city, and I recall how kindly he spoke of our boys and of the terrific hardships they endured at that time. Therefore I can not believe now that as President of the United States he will hesitate to sign a bill, no matter what it may cost. This will be his opportunity to help the man who suffered so greatly and prove that he has not forgotten. I thank you. [Applause.]

Mr. RANKIN. Mr. Chairman, I yield 10 minutes to the gentleman from Illinois [Mr. ARNOLD].

Mr. ARNOLD. Mr. Chairman and ladies and gentlemen of the committee, this is the first time since I have been a Member of this body that legislation in the interest of the World War veterans has been presented to the House for consideration under a rule allowing reasonable debate, and under which amendments may be offered from the floor and considered by the House. I think it is very fortunate that this bill is being considered in this manner. This debate has been most interesting and instructive. During all of the time I have been a Member of this body I have supported legislation whenever presented in the interest of the veterans of the World War. I have done so believing it to be a matter of right and justice to those veterans and I expect to continue that policy.

This bill liberalizes existing law materially, but the chief difficulty is it does not go far enough. The most serious difficulty in administering the present law is the service-connection provision and the requirements of the Veterans' Bureau as to the character of proof necessary to bring the veteran within the provisions of the law.

The Veterans' Bureau by requiring medical proof of service origin has denied thousands of worthy veterans the benefits Congress intended they should have under existing law. Many of these veterans in their anxiety to get back to their homes and loved ones when they were discharged failed or neglected to have their disabilities noted, and after getting out in civilian life attempted to administer to their own needs, without consulting physicians as to their disabilities or having thorough medical examinations.

Quite often when they did consult physicians the physician consulted did not keep a clinical record of their examinations, and in their endeavor to aid and assist ex-service men often no charge was made and no dates entered when they examined the veteran from which the condition of the veteran or the date of visit can be determined.

The present law does not require medical proof, but the Veterans' Bureau in administering the law overemphasises the necessity of medical evidence, and this necessarily precludes many worthy disabled veterans from getting the benefits of the law Congress intended they should have when the law was enacted. This places thousands of cases in the twilight zone and has been a disturbing element, a bone of contention, giving rise to most serious controversy and difficulty ever since the law was first attempted to be administered by the Veterans' Bureau.

The present bill does not eliminate service connection, and while the scope is broadened so as to take in numerous cases heretofore excluded, it establishes another twilight zone a little further removed that will continue the controversies and difficulties in administering the law. It will fail to give relief to many who feel they are entitled to its benefits and who are intended to be benefited, and the confusion which has heretofore existed in administering the law will continue unabated. If I had my way about it, I would eliminate service connection in all cases where service connection can not be established prior to January 1, 1925, and provide a general disability schedule with compensation based upon the degree of disability.

One can readily see the disadvantage the veteran is placed in to go back and connect his disability with the service after so long an interval. It provides entirely too many border-line cases that will always give rise to uncertainty and speculation and disappointment.

Under existing law the Veterans' Bureau has the right to consider lay evidence and evidence not of a medical nature, but there is no requirement and we have no assurance under this bill that the Veterans' Bureau will administer the law in this regard more generously in the future than it has in the past.

The Veterans' Bureau in administering the law, consciously or unconsciously, have gotten into a rut, and, relying on the precedents established by its boards, are floundering in the maze of red tape and technicalities from which they will not emerge unless Congress in unmistakable terms pries them out and relieves the unfortunate situation. The boards, whose duties it is to pass on these claims, are waterlogged with undue stress of medical thought, and that of those in the bureau itself.

It seems at times but little consideration is given evidence from doctors not in the bureau, successful, reliable, and conscientious physicians of high standing in their local communities. Quite often the bureau sends out inspectors, who go into the local doctors' offices, call for their records, and if clinical findings and records are not found, which often do not exist, or not in approved form, the testimony of such doctors have but little, if any, weight in establishing the claim. I do not question the motives or intentions of those in authority. Men of ability and high purpose sometimes get into a rut, become enmeshed in technicalities, their thoughts run in a groove, and while they may be of the most conscientious sort, their course in following that groove works injustice and brings about results the consequences of which are not fully realized by them.

Under the existing bill the Comptroller General can not hold a club over the Veterans' Bureau as in the past, and this is a wise provision and will give the Veterans' Bureau more freedom of action than it has under existing law. At any rate, the Veterans' Bureau will have no further alibi as to this feature.

Section 200 of the act, applying to the presumptive provision, is broadened so that any veteran who has had a chronic constitutional disease of 10 per cent or more prior to January 1, 1925, is presumed to have acquired this disability in the service. This is likewise a wise provision in including all chronic constitutional diseases, where proof is shown that the disease existed prior to January 1, 1925. The law in its present form limits these presumptive cases to five. The present bill will take in all disabilities of 10 per cent or more, which are found to have existed prior to January 1, 1925, unless it is clearly shown they were not the result of service.

Also, the law in arrested tuberculosis cases is broadened, authorizing a combined rating of a minimum of $25 a month, permanent and partial, for arrested tuberculosis, while active tuberculosis veterans receive a minimum of $50 a month. The present bill likewise provides that total disability may be paid to men discharged from hospitals suffering from tuberculosis who have been patients for one year or more.

Another feature of the bill, which is meritorious, is a provision for payment of compensation to dependent families of hospitalized nonservice connected disabled veterans whose annual income is less than $1,000. This gives dependency compensation during the period of continued hospitalization and for two calendar months thereafter; $30 a month for a wife, $40 a month to a wife and child, and $6 a month for each additional child. Twenty dollars a month if there is a child and no wife, $30 a month for two motherless children, $40 a month for three motherless children, and $6 a month for each additional child.

This will be of material benefit to dependent families while the veteran is hospitalized, and for two calendar months thereafter, where the annual income is less than $1,000 per annum, and should receive the support of every friend of the veterans.

It is also a wise provision to take off the limit of time for filing claims and supporting evidence for compensation. If a veteran is suffering from a service-connected disability, whether claim for compensation and supporting evidence is filed within 1 year or 20, he is entitled to compensation, and there is no reason or justification in the present law which limits the time for filing claims and supporting evidence as to this class of veterans.

The bill likewise extends the time when suits may be brought on insurance to one year after the approval of the bill, and an extra payment of $25 a month to persons suffering from the loss of a foot or hand, and provides for a flag to drape the casket of every veteran who dies, regardless of the cause of death. These are all provisions liberalizing existing law and will go far toward relieving distress in many worthy cases. There are other provisions of merit in the bill in the interest of mental incompetents, increased recreational facilities, and liberalizing the insurance laws, and so forth.

On the whole there is so much of merit in the bill that it should be enacted into law speedily.

My chief concern at present is for these uncompensated World War veterans. Those veterans, who in camp or on the field of battle, through exposure, shell shock, or contact with deadly gases, had their power of resistance reduced to the extent that seeds of disability found lodgment and gradually, slowly but surely, developed in later years and now plague them and handicap them in earning their livelihood.

Their disability, slight and unnoticeable at first, has been progressive, some not apparent yet and many of them not yet have reached the stage of disabling the veteran from manual labor. It is practically impossible, if not entirely so, certainly not by the character of medical evidence and clinical records required by the Veterans' Bureau, to procure evidence of service connection.

The unfortunate part in this bill is the fact that these veterans who are suffering from tuberculosis and neuropsychiatric disabilities receive no benefit whatever by the terms of this bill. The only way that we can give that class of disabled any advantage other than by general disability pension is by extending the presumptive period from the 1st of January, 1925, to the 1st of January, 1930. I expect to vote for an amendment that will be offered here to extend the time for all disabilities as provided in the Johnson bill to the 1st day of January, 1930. I think that is only a matter of justice to these World War veterans.

I notice in the list of disabilities for which claims have been allowed, that the two disabilities tuberculosis and neuropsychiatric constitute about 43 per cent of the entire number of claims allowed. Those are the most numerous and difficult cases with which we have to deal. The system may have become so weakened by exposure in the camps and on the field of action that the disability may lie dormant for many years and in the end develop to such an extent that the veteran is deprived of his earning power and is unable to perform manual labor in order to support himself and those dependent upon him. By this bill in its present form nothing whatever is done for these two classes, and nothing will be done unless this presumptive period is extended beyond the 1st day of January, 1925. I am aware of the fact that when we set a dead line and permit presumptions to determine service origin of disabilities that are proven to exist prior to that time, it is unscientific and can not be justified by reason under the theory of compensation.

The proper way to handle the matter would be through a general disability pension, applied to all of those who have been unable to connect their service disability by evidence in fact. But, as I understand the parliamentary situation here, it is such that the Swick bill which is a general disability pension bill, can not be tied onto this bill, because it is not germane and would be subject to a point of order. There is a provision in this bill making these presumptive cases temporary in character, only with a view to studying the whole situation in the hope that at the end of three years some plan may be worked out whereby we can enact some legislation that will be entirely fair to veterans of all wars and place them somewhere nearly on a plane of equality. That will be a disability pension plan. Why not provide it now and relieve the disabled uncompensated without delay? However, I am fearful that if this bill is written into law in its present form, these mental, nervous, and tubercular cases which can not be service connected by existing law will receive no consideration for the next three years, and there is a vast number of this class of cases that ought to be given consideration and ought to be taken care of immediately. If we are unable to extend the presumptive period to the first day of January, 1930, under the so-called Johnson bill, then that presumptive period should be extended to the first day of January, 1930, applying to the disabilities contained in the so-called Rankin bill. An amendment to that effect will be offered and I hope to see it adopted. [Applause.]

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. JOHNSON of South Dakota. Mr. Chairman, I yield 20 minutes to the gentleman from Indiana [Mr. WOOD].

Mr. WOOD. Mr. Chairman and gentlemen of the committee, I doubt very much whether what I may say on this occasion will have much to do with the final determination of this bill. I wish to make some observations, however, defining my position with reference to it.

I am opposed to this bill as it is written for two very substantial reasons. In the first place, I am opposed to it because it is not only unfair to the memory of the dead, and the dependents of the dead, but it is unfair to the living. I am opposed to it because it will meet with the approval of no one if it becomes law. You ladies and gentlemen who have been hearing the discussion on this floor from its various angles, are convinced that there is nobody here, either the proponents of this measure or of the Rankin bill, who is satisfied with either one of them.

There is another reason why I am opposed to this bill. I can not subscribe to opening up the Treasury of the United States to whatever demands might be made, whether opportune or inopportune. To my mind from an economic standpoint, this is an unfortunate time to present this bill. I received a letter a day or two ago from the President of the United States in which he admonished the Congress with reference to the condition of the Treasury, and I shall read that letter. It is as follows:

THE WHITE HOUSE,
Washington, April 18, 1930.

The Hon. WILL R. WOOD,
House of Representatives.

MY DEAR MR. WOOD: I thought you would like to know that a reexamination of our fiscal situation for the next year by the Director of the Budget shows that upon the indicated income of the Government and the expenditures to which the Government is already committed through Budget proposals and legislation which has been completed, we are faced with a deficit of some twenty or thirty millions of dollars. This, of course, is not as yet a very material sum, but it is obvious that any further large amounts of expenditure will jeopardize the primary duty of the Government; that is, to hold expenditures within our income.

Something over 125 acts have been passed by either the Senate or the House or favorably reported by different committees, which would authorize an additional expenditure of three hundred or three hundred fifty million dollars next year. A good many of these proposals are, of course, for comparatively small sums, and some of them are necessary for the functioning of the Government, but I know you will agree with me that there is cause for real alarm in the situation as we can not contemplate any such deficit.

I am writing a similar note for the information of Senator JONES.

Yours faithfully,

HERBERT HOOVER.

Mr. CONNERY. Mr. Chairman, will the gentleman yield there?

Mr. WOOD. No; I regret I have not the time to yield. I have not time enough to say all I wish to say myself.

Now, I wish to call the attention of the committee to these further facts. The accompanying list shows the major legislation of the present session, either on the House Calendar or now in the shape of laws, calling for additional expenditures for the next fiscal year and fiscal years thereafter. The principal items are those for public buildings, for good roads, and for veterans' legislation. The public buildings bill increases the amount to be expended for public buildings annually from $35,000 000 to $50,000,000, and the amount will probably exceed this latter figure until we catch up. The Federal aid road bill calls for an increase of annual expenditure from $75,000,000 to $125,000,000, or by $50,000,000.

Now, the veterans' legislation is estimated, if the Johnson bill passes in its present form, a minimum of $100 000,000, and according to the economists in the Veterans' Bureau in all probability it will reach $200,000,000, and they wish to be conservative in making that estimate. If I had the time to go through the various items of this bill I think I could demonstrate that it would amount to more than $400,000,000.

The total projects on the accompanying list amount to approximately $820,000,000, including this bill at only $100,000,000. In addition to those listed here, there are on the calendar many other bills that are important and call for comparatively small sums which bring the total up to over $825,000,000. There is also to follow a rivers and harbors bill estimated to cost for a period of years in excess of $100,000,000. Other bills will follow these.

Once these authorization acts are placed upon the statute there is immediate and strong pressure for appropriations to carry

them into effect, often more rapidly than was contemplated when the legislation was enacted. I will file as a part of my remarks the items that make up this sum.

They are as follows:

Major new projects calling for additional appropriations for the next fiscal year and/or in ensuing fiscal years—Projects already law or reported and upon House Calendar

U. S. Supreme Court Building	$9,740,000
Public buildings bill, additional authorizations	230,000,000
Additional hospital facilities, Veterans' Bureau	16,000,000
George Washington Memorial Parkway, etc	23,000,000
Federal-aid roads, 3-year program	300,000,000
Public works, United States Navy	10,077,000
Building program, U. S. Bureau of Fisheries	1,735,000
Erection of addition, Red Cross Building	350,000
Land for Bureau of Standards	400,000
Increasing limit of cost, Coast Guard Academy	1,250,000
New Coast Guard vessel	650,000
Relief of Porto Rico	3,000,000
National Soldiers' Home Hospital, Togus, Me	750,000
Library of Congress annex	6,500,000
Eradication of pink bollworm	2,500,000
Salaries, police and fire departments, District of Columbia	900,000
Relief of farmers in certain storm and flood-stricken areas	7,000,000
Relief of State of Alabama, roads destroyed by flood	1,660,000
Naval Hospital, Washington, D. C., improvement	2,950,000
Vocational rehabilitation (3-year program)	3,591,000
Retirement of classified employees	16,000,000
Creation of organized rural communities	12,000,000
Amendment of World War veterans' act (minimum)	100,000,000
Increase in pensions, etc	11,712,440
Forest Products Laboratory, Madison, Wis	900,000
Reforestation program (2 years)	6,000,000
Extension, National Museum	6,500,000
Amendment of the air mail act	3,000,000
Panama Canal, ferry and highway	1,000,000
Public works, U. S. Navy, Philadelphia	3,200,000
Roads in national forests (three years)	30,000,000
Bitter Root irrigation project, Montana	750,000
Relief of State of Georgia, roads destroyed	506,067
Relief of State of South Carolina, roads destroyed	805,561
Addition to Washington city post office	4,000,000
Total	818,427,068

Now I want to call your attention to this fact, that we are expending through the Veterans' Bureau an amount nearly equal to the customs receipts of the United States. We are now expending through the Veterans' Bureau an amount nearly equal to one-fourth of all the income-tax receipts; and if this bill passes, I offer now the prediction that with its contents and the authorizations necessary to carry it out, we shall within two years be expending at a rate of more than $1,000,000,000 a year through the Veterans' Bureau—as much money, if you please, as it cost to run this entire Government before the World War.

I think that I do not entertain any other than the most cordial and sympathetic sentiments with reference to the survivors of the World War or the dependents of those who have gone on, but I do believe that if this bill becomes a law it will not only prove a most expensive proposition but it will be unsatisfactory to everyone either directly or indirectly concerned, and there will be more occasion for apology by those who have made it possible for this bill to pass, if unamended, than there will be for congratulation by reason of its having passed.

There is one vital defect in this bill that every Member of this Congress should consider well before subscribing to it. A few years ago we passed a budget act, and as an adjunct to it we enacted a law creating a Comptroller General. That combination has done more to save the taxpayers money than all the economic legislation that had been passed before it for a century. If this bill becomes a law unamended it will destroy some of the advantages we have derived from the General Accounting Office.

As I stated a moment ago, an amount equal to one-fourth of the money collected from income taxes is spent on the Veterans' Bureau. But in addition to that, this bill, if it becomes a law, undertakes to say that that one-fourth will have no supervision such as is made mandatory with respect to all the other expenditures of the Government. That would be a great step backward. If we should destroy and remove the supervision of the comptroller with respect to the expenditure proposed in this bill, we might as well abolish his supervision of all the rest. If we displace public confidence in the comptroller with respect to the expenditures of the Veterans' Bureau, why not displace public confidence in the Comptroller General's office as to the expenditures of all other branches of the Government? Under this bill the comptroller will have no voice in examining anything that is done by the Veterans' Bureau.

Now, if it were possible for us to retain General Hines in his position at the head of the Veterans' Bureau for all the years to come, that would be reassuring; but even with such an upright man as General Hines there is not one-tenth of the business transacted by the Veterans' Bureau that can have the direct supervision of General Hines. We had an unfortunate experience with one director of that bureau, and if I were director I would not want to have thrust upon my shoulders such a responsibility as that; and we are doing an injustice to him, we are doing an injustice to our constituents, and we are doing an injustice to ourselves when we propose to destroy, if you please, the only responsible agency that this Congress has between this appropriating body and the various expending agencies of the Government, and that should not be thought of.

This change is the first major proposal seriously made since the establishment of the General Accounting Office in 1921—an independent agency to function for the Congress in seeing that its mandates are obeyed—to break down the most effective and efficient accounting system that any Government has ever enjoyed. This is a serious proposal.

The accounting officers are law enforcers concerning public money. If the law is not sufficiently liberal to give all that individuals want, it is not for the accounting officers, or for administrative officers, to liberalize the law. That is the business and the responsibility of the Congress.

The only thing this change can mean—the only interpretation that can be given it—is that the Congress does not care to have its laws enforced, that by tying the hands of the accounting officers there can be secured from administrative officials more than the accounting officers—more than the law—allow.

The provision is a tribute to the efficiency and effectiveness of our accounting system and a compliment to the accounting officials. When an accounting officer becomes popular with claimants he needs watching. When he is abused you may rest assured he is vigilant. When he is too restricted in his decisions, the Congress can liberalize his decisions—but when he is too liberal the damage has been done and the money is gone.

Make the laws as liberal as you want—but when made insist upon their enforcement. When accounting or administrative officials liberalize the laws they are legislating—usurping the duty and the responsibility of the Congress—and when we encourage them to so usurp our functions, we are the real wrongdoers.

The World War veterans' act of 1924, with subsequent amendments, including the amendments in this bill, is a most complex piece of legislation, requiring the best of legal training to assist in its interpretation and application. Heretofore the Director of the Veterans' Bureau has been able to secure assistance in interpretation of the law from both the Attorney General and the Comptroller General. Many opinions of the Attorney General and decisions of the Comptroller General have been rendered concerning such legislation at the request of the Director of the Veterans' Bureau.

The present Director of the Veterans' Bureau is not a lawyer, and few, if any, of his predecessors have been lawyers. The director should not be required to decide cases without benefit of these legal opinions and decisions of the law officers of the Government. The law should not make the director's decisions final and conclusive on such questions.

Bear in mind that under existing law—which will be continued by the pending bill—the director's decisions of all fact questions as to the disability and degree thereof is finally determined by the director in all cases under his jurisdiction—compensation cases, adjusted compensation cases, World War emergency officers' retirement cases, and insurance cases—so far as either the Attorney General or the Comptroller General is concerned. His decision on fact questions is even conclusive on Congress, and the only place where his fact decisions can be reviewed is in the courts in insurance cases. No opinion of the Attorney General nor a decision of the Comptroller General can be cited where either of these officials attempted to decide any fact question arising under the World War veterans' legislation, provided it be shown that the man was in fact a World War veteran.

The Congress may make the law as strict or as liberal as it may see fit in favor of the World War veterans and their dependents, but when that law has been made, it should be administered exactly as it has been written and the director should continue to have the assistance of the legal officers of the Government in finding out what the written law means. He should continue to be able, after having determined what the facts are in any particular case, to ask the law officers of the Government whether that case is within the law; and if so, what did Congress provide in the law for such a case.

It is worse than useless for Congress to enact veterans' relief legislation conferring benefits without retaining control of that legislation through its established agency—the General Account-

ing Office—to see that the benefits conferred by Congress are actually given to all of the veterans coming within its terms—not only to those possessing political or other influence—and that the persons not coming within the law are not given such benefits. The duty of Congress in seeing that public money is spent in accordance with the law is not less than its duty in appropriating the money. The only means available to Congress to find out whether a public official is spending the public money as directed in the law and in the appropriation acts is through its agency, the General Accounting Office, which was established under the Budget and Accounting Act of 1921 for that particular purpose.

Now I wish to call your attention to some of the provisions of this bill which I think you should well consider. There has been submitted to the gentleman from New York [Mr. SNELL] and others, I assume, an analysis of this measure by the Veterans' Bureau. I suppose that those who conduct the business of the Veterans' Bureau are in a position to know more about what should be done than we do, with our multiplicity of duties which are constantly diverting us. The Veterans' Bureau is not an unsympathetic body, as some gentlemen would have us believe it is. The head of the Veterans' Bureau was a member of the Army. A majority of those who are in authority bore the brunt of battle. Their sympathies are with the living soldier and with the dependents of those who are dead. So I think we can rely, in some little degree, upon what we are told is the best judgment of those men concerning this measure.

I wish to call attention to section 9. Section 9 of the bill adds a new provision to the act, directing the Secretary of War to assemble in the city of Washington all medical and service records pertaining to veterans of the World War. It is understood that the committee were informed that there were approximately 15,000,000 pieces of evidence stored in various depots and on military reservations. While this amendment does not pertain directly to the administration of the Veterans' Bureau, it will facilitate the adjudication of cases by making available to the bureau all of the records pertaining to the veterans of the World War.

That, in itself, will involve an additional expenditure of more than $3,000,000 as estimated by the Veterans' Bureau, and, as I am informed, estimated at a larger amount by the War Department if that duty is placed upon them.

I wish to call attention to section 4 of this bill, which has to do with the insurance suits. I think this is a very vital proposition. Section 4 of the bill amends section 19 of the act, which relates to the filing of suits on insurance contracts, by extending the time during which suits may be instituted one year from the date of the approval of the amendatory act.

Under existing law suits may be instituted within six years after the date the right accrued for which the claim is made or prior to May 29, 1929, whichever is the later date. Certain exceptions are made in the statute to protect the interests of minor and incompetent beneficiaries, and the running of the limitation period is suspended for the period elapsing between the filing in the bureau of the claim sued upon and the denial of said claim by the director.

There are now pending in the courts approximately 5,000 suits on insurance, 90 per cent of which are based upon a claim that permanent and total disability existed at the time of the discharge of the veteran from the military service some 10 or more years ago. It would seem as if a claimant had actually been permanently and totally disabled six years or more he would have presented his claim before the bureau, and, if disallowed, would have entered suit before this.

There existed during the war approximately 4,500,000 contracts of insurance, the majority of which were permitted to lapse at date of discharge from the service. Suits on the greater number of these contracts are now barred by the statute of limitations. The number of suits now barred which might be filed if this amendment were adopted is, of course, rather difficult to estimate. However, it is known that there are some firms of attorneys which are now making a specialty of instituting these suits, and which, up to the date of the application of the statute of limitations, brought them by the hundreds. Many cases upon which suits are filed have little or no merit. While it might seem that they would be easy of defense by the Government, it must be remembered that courts and juries are naturally sympathetic to the veterans. Further, little evidence is required to sustain the burden of proof for the plaintiff, and cases are often decided in favor of the veterans where the only evidence presented is their own testimony and that of friends and relatives concerning their condition when they returned home from the military service and subsequent thereto.

If this should become a law, we are simply going to have an army of ambulance lawyers going around through the country trying to get these suits. They can get them for this reason: That every one of these suits that is brought must be defended by the Government. Under the ordinary practice a man brings a suit, and, in the event he is defeated, he has to pay the costs. Under this bill and under this section of this bill, if these suits are brought, not only does the Government have to pay the expense of defending them but they have to pay the expense of the prosecution, which amounts to more than $4,000 in each one of the suits.

It occurs to me that the 6-year limitation is ample and to extend it beyond this time is doing an injustice.

Mr. OLIVER of Alabama. Will the gentleman yield?

Mr. WOOD. I yield.

Mr. OLIVER of Alabama. The matter to which the gentleman refers is one which I am sure will have the careful attention of the committee, with a view to remedying it by providing some inquiry by the bureau into all of these matters, and later reporting them to this committee, which can then order payment of 100 cents on the dollar for every meritorious claim, and the Government should not be subjected to suits by these lawyers running around soliciting business on a contingent fee basis.

Mr. WOOD. I think it would be splendid if that kind of machinery could be established, for it would secure to those entitled to it what is coming to them, and the Government would be protected against those who are not entitled to receive it.

The cost of this bill can not be estimated, but there is no question but that if it is adopted a large number of cases which would not otherwise be payable will be paid.

In this connection it should be understood that judgment results in a setting up of a minimum liability against the Government of $13,800 in each case, unless before all payments are made, an escheat is effected. In view of the fact that the Government liability on term insurance now exceeds the premium income on such insurance which has ceased, by approximately $1,300,000,000, it can be seen that the entry of additional judgments will materially increase the cost to the Government. Also there is now for consideration the cost of the defense of these suits. It is estimated that the cost of defending one of these suits is approximately $4,000. Therefore, even though the Government may receive judgment against the plaintiff, the cost of the defense of the suit has to be paid by the Government.

Now, I wish to call attention to this presumption clause.

Section 10 of the bill amends section 200 of the act by presuming all disabilities of a 10 per cent degree or more existing prior to January 1, 1925, to be the result of injuries or diseases incurred in or aggravated by the military service. The presumption is rebutted by clear and convincing evidence in all cases except those of tuberculosis, and a number of others.

The CHAIRMAN. The time of the gentleman has expired.

Mr. JOHNSON of South Dakota. I yield to the gentleman five additional minutes.

The CHAIRMAN. The gentleman is recognized for an additional five minutes.

Mr. WOOD. Now, there are a lot of these presumptions. I wish to call attention to a few of them, and will ask the consent of the committee to revise and extend my remarks and place them all in the RECORD.

Section 10 of the bill amends section 200 of the act by presuming all disabilities of a 10 per cent degree or more existing prior to January 1, 1925, to be the result of injuries or diseases incurred in or aggravated by the military service. The presumption is rebutted by clear and convincing evidence in all cases except those of tuberculosis, spinal meningitis, paralysis, paresis, and blindness, and veterans permanently helpless or permanently bedridden. Payments as the result of the new presumption are not retroactive and are to continue only for a period of three years following the enactment of the amendment.

Under existing law the presumption of service origin is extended only to a limited class of cases; namely, tuberculosis, neuropsychiatric diseases, spinal meningitis, paralysis agitans, encephalitis lethargica, and amoebic dysentery, and is made conclusive only in the cases of active tuberculosis and spinal meningitis. The bill is apparently a compromise between the advocates for enlarging the class of diseases and extending the present presumption period applicable to such diseases to January 1, 1930, and the recommendation that all chronic constitu-

tional diseases be presumed to be of service origin if existing to a 10 per cent degree prior to January 1, 1925. While this amendment goes extremely far in eliminating the preference which has heretofore been given to veterans suffering with diseases now covered by the presumption provisions of existing law, it does not eliminate preference. For example, the veteran who suffers an accidental injury subsequent to military service which results in a 10 per cent disability prior to January 1, 1925, is as much entitled to have his disability presumed to be acquired in the service as is the veteran who, through obscure causes, contracts a disease subsequent to military service which results in a 10 per cent disability prior to January 1, 1925. However, under the operation of the amendment in the first case the service origin of the disability would be rebutted, whereas in the second case it would not be rebutted. No justification can be given for this distinction. The measure is essentially a pension measure for disability acquired subsequent to service. With regard to those existing presumptions, it may be stated that it is extremely difficult to justify them on any scientific basis, there being no unanimity of medical opinion as to the part which service may have played in causing the specified diseases. Certainly there is no scientific basis for the presumptions covered by the amendment. On the contrary, there is much evidence to indicate that the incidence of diseases now included in the presumption provisions of the law, as well as those which would be included under the amendment, is not at all peculiar to warfare and is very close to the normal incidence which may be traced throughout the civilian population of our country.

As to those veterans suffering with diseases now presumed to be of service origin, it would seem unwise to make any change which would adversely affect their economic affairs. They have adjusted themselves, having in mind the beneficial provisions of the statute, and it would be unfair to take any action which would disturb them. It is questionable, however, as to whether the Congress should go further at this time and place additional veterans on the rolls at rates payable for service-connected disabilities simply because past Congresses have heretofore extended to veterans suffering with certain diseases the benefit of a presumption of their disabilities having been incurred in the service.

One of the arguments advanced as a necessity for this amendment is the fact that many men are suffering with conditions which in all probability are connected with the service but concerning which they have not been able to produce any evidence which would show acquirement in service. Certainly, some way should be found to take care of these cases. The amendment in this bill to section 5 of the act requiring a more liberal evaluation of lay and other evidence will probably go far to take care of some of these cases. It might be well to create a special board or court with authority to grant relief beyond the limits of the present law in border-line cases where necessity for relief is shown, even though evidence of acquirement of disability in service may not actually exist. Beyond this it would seem unwise to go without a complete study of the needs of all disabled veterans. The Government has always recognized the distinction in its obligation as between those men who acquired disabilities in the service and those men who acquired disabilities subsequent thereto. These former certainly have a greater right to look to the Government for relief, both at an earlier date and in a greater amount. This amendment, if adopted, would commit the Government to a policy of paying an equal amount to a certain group of ex-service men suffering with disabilities not acquired in the service as is payable to veterans who did acquire their disabilities in the service, and leave to a future Congress the adoption of relief measures for those other veterans with disabilities not acquired in the service and not covered by the amendment. The time has come, it is believed, when the Congress should give consideration to treating all veterans equally, grouped into two general classes: (1) Those who acquired their disabilities in the service, and (2) those who acquired their disabilities subsequent to service. Certainly, as to the latter class, we should give some consideration to the question of need in the individual cases. Unless this is done Congress is simply creating more inequalities and the ultimate task of placing all veterans on a parity becomes more difficult, if not impossible, except by allowing the present rates of compensation to stand for non-service-connected disabilities and raising the rates for service-connected disabilities. In this connection there should be considered the question of whether this Government can afford the cost of such legislation.

So far as making the presumption of service origin conclusive for paralysis, paresis, blindness, and those cases of men permanently helpless or permanently bedridden, these conditions to a large extent are the result of misconduct diseases, and while they are probably the most pitiful of all cases because of the usually hopeless prognosis and sociological problems involved, it would seem highly inconsistent for the Government to compensate these men for these conditions, the result of diseases, the acquirement of which in the service was a court-martial offense. Further, it has always been contrary to the policy of the Government to compensate or pension men for diseases which may be said to be the result of their own vicious habits.

The cost of this amendment has been estimated by the Veterans' Bureau to be approximately $76,028,000 per annum. However, it should be understood that in this cost only the disallowed claims on record in the bureau have been considered. It is impossible to estimate the number of additional claims which would be filed. Also, there has not been included in this estimate the cost of administration of such an amendment. The adoption of the amendment would necessitate a review of approximately 600,000 disallowed claims and the adjudication of such cases incident to the reviews. It would mean the examination or reexamination of thousands of men and the work in connection therewith. There is no question but that the cost alone of administering this one provision would be approximately $5,000,000.

I wish to take up the section dealing with tuberculosis.

It amends the act by providing a $50 statutory award for all cases of arrested tuberculosis, irrespective of whether active tuberculosis can be shown between the date of entrance into the service and January 1, 1925. Heretofore the bureau has paid only cases of arrested tuberculosis where activity existed between the dates specified.

This amendment must be considered in the light of the amendment to section 200, which removes the necessity of showing active tuberculosis for the presumption of service origin, although its undesirability does not hinge on the enactment of that amendment. As a result of the adoption of this amendment every man who can show arrested tuberculosis between the date of entrance into the service and January 1, 1925, will be held to have acquired his tuberculosis in the service and will receive $50 per month for life. In considering this amendment it must be remembered that sound medical advice indicates that at least 75 per cent of the entire population is or has been infected with tuberculosis, but due to immunity and physical resistance the condition does not become active or disabling in the majority of instances. It is also agreed that unless preceded by a more or less extensive period of activity the condition diagnosed as arrested or cured tuberculosis is not in itself seriously disabling either from a medical or industrial standpoint. There are certain portions of the country to a great extent populated by persons having such diagnosed conditions, and the manner in which such localities have thrived industrially is one of the best proofs of the statement made above.

When it is considered that thousands of men entered the military service without any notation of these arrested conditions and completed their military service without any adverse effect on such conditions, it does not seem that the Government, by reason of the inclusion of several presumptions in the law, should provide compensation to these men at the rate of $50 per month for the remainder of their lives. Such a provision is essentially a pension measure based on other than actual disability, and in view of the fact that the Government to date has not recognized any obligation to pay compensation for disabilities not acquired in the service, it does not seem just to prefer these men over all others, particularly when many of the others are disabled to a far greater extent.

If a veteran had active tuberculosis in the service or prior to January 1, 1925, and that active tuberculosis has since become arrested, there may be justification for placing that veteran on the rolls at the rate of $50 per month for life, but certainly beyond this the Government should not go, until such time as it is prepared to provide for all veterans. The adoption of this amendment would in reality be the paying of a bounty of $50 per month for a diagnosed condition of which the veteran in all probability would never have been aware had it not been for the medical examination to which he was subjected by the military authorities or the bureau.

The cost of this amendment is estimated at a minimum of $1,800,000 per annum. However, this estimate is based on presently disallowed claims, and in no sense is the true probable cost as the result of additional claims which would be filed under such an amendment. Also it does not include the cost of examining and reexamining the veterans affected, and the rating and adjudication of the cases. The adoption of the amendment

would entail a tremendous administrative responsibility on the bureau, and would no doubt result in endless controversies concerning the existence or nonexistence of arrested tuberculosis in individual cases.

Section 13 of the bill also contains an amendment directing a 25 per cent minimum rating to be included in the bureau rating schedule for arrested tuberculosis. At the present time after two years of arrest the rating schedule provides no per cent for these cases. The purpose of the amendment is to insure that where a man has a compensable disability in addition to his tuberculosis, the rating of the two may be combined and compensation paid accordingly. In view of the fact that those men who have only arrested tuberculosis are paid $50 under a statutory award it would seem that this amendment is only fair. The medical council of the bureau some time ago advised that persons with arrested tuberculosis which follows a period of activity have a minimum industrial handicap of 25 per cent. The cost of the amendment is estimated at $8,000 per annum. This figure, however, is based upon the cases in which service connection has been established under the existing law. The cost of the amendment does not comprehend cases which would be brought in as a result of the amendment to section 200 previously discussed.

There is another part of this bill that is absolutely unjust to the dead and to their dependents.

Section 14 adds a new provision to the law authorizing payment of compensation to the dependents of veterans hospitalized for non-service-connected disabilities, when the veteran files an affidavit with the commanding officer that his annual income is less than $1,000, at the same rate as is payable to dependents of veterans when the veteran dies from disability incurred in or aggravated by the military service. The purpose of this amendment is to take care of the dependents of those men who by reason of the ravages of disease necessitating hospitalization are unable to provide for them. The disabilities of these men have no connection whatever with the military service.

The discrimination which would result from the adoption of this amendment is apparent. As to those men who are hospitalized, we are now spending approximately $120 per month for their hospitalization. The amendment would add to this payment the amounts which would be payable to their dependents. However, it is known that the present hospital facilities of the Government are not sufficient to hospitalize all men suffering from non-service-connected disabilities. Certainly the Government should not give to those men who are fortunate enough to procure hospitalization further relief and deny that relief to those men who, due to lack of beds, are unable to secure hospitalization.

There is also for consideration the widows and children of deceased veterans who died as a result of disease or injury not incurred in service. These widows and children, it would seem, have as much right to look to the Government for relief as have the wives and children of men hospitalized for non-service-connected disabilities. Further, there are the dependents of men incapacitated for work by reason of non-service-connected disabilities, but who need no hospital treatment. Are not the dependents of these veterans equally entitled to consideration? In other words, to provide for this class of veterans and their dependents by specific amendments without giving consideration to the entire problem would seem unjust, and yet to take care of all without a comprehensive study as to the needs of such persons and the ability of the Government to meet such needs would certainly be unwise. Therefore, before the adoption of this or any similar amendment it would seem that a joint committee of both Houses of Congress should give careful and sympathetic consideration to the entire problem and within a reasonable time report to Congress as to the best solution of the problem. There is also for consideration the question of whether the wives and children of these men hospitalized for non-service-connected disabilities are entitled to the same relief as the widows and children of men who died in the service or as the result of disease or injury acquired in the service. Certainly the latter group has a greater right to look to the Government for aid than has the former.

The estimated cost of this amendment is $9,753,400 per annum. This estimate is based only upon the number of cases hospitalized during the last year in bureau hospitals. It is impossible to estimate how many additional veterans might apply for hospital treatment by reason of the enactment of this amendment. Also, there is for consideration in connection with this amendment the fact that thousands of veterans are now in soldiers' homes under the authority of the Board of Managers of the National Home for Disabled Volunteer Soldiers. If these should apply for readmission under authority of the Veterans' Bureau it is possible that a large number would be entitled to the additional allowance for a wife or dependent children. This factor has not been considered in computing the estimate. Further, if the amendment were to be adopted it would no doubt necessitate additions to existing hospitals and additional hospitals, if we are to treat these men equally. To what extent this would increase the Government's hospital program is impossible to estimate, but certainly there would be immediate demand for additional facilities.

There is another provision which says that a man who has incurred some injury not otherwise provided for by legislation, and if it occurred prior to the close of the war in 1918, he, too, is entitled to benefits under this act, whereas we know that there were thousands of men left behind to do military duty over there, after 1918, in barbarous Russia, subject to all the torments of hell, and who received injuries ten times more serious than many of these described, yet they do not come within the purview of this amendment.

So that I say this bill is full of injustice from beginning to end. No one can be proud of it. All of you, if it becomes law, will be ashamed of it.

I thank you. [Applause.]

Mr. JOHNSON of South Dakota. Will the gentleman yield?

Mr. WOOD. I yield.

Mr. JOHNSON of South Dakota. The chairman of the committee has an amendment prepared which will take care of those Russian casualties, which will be offered.

Mr. WOOD. Well, that will help that much.

Mr. JOHNSON of South Dakota. Mr. Chairman, I yield one minute to the gentleman from New York [Mr. WAINWRIGHT].

Mr. WAINWRIGHT. Mr. Chairman, during the course of the debate on this bill yesterday in the speech of the gentleman from Indiana [Mr. DUNBAR], the question of the foreign debts—maybe irrelevantly—was projected into the debate. I made the assertion on the floor that the effect of the settlements with England, France, and Italy was that the United States would eventually, if they were lived up to, receive the full amount of the principal of the debts with interest. I have asked for confirmation of that assertion from the Treasury Department and I have received a letter from the Undersecretary of the Treasury, Mr. Mills, under date of to-day, in which this significant statement appears:

> The debt settlements concluded by the United States with these Governments provide that the principal indebtedness as funded will be repaid in full over a period of 62 years with interest thereon at varying rates.

I ask unanimous consent to extend my remarks by printing this letter in the RECORD.

Mr. SCHAFER of Wisconsin. Mr. Chairman, reserving the right to object, will the gentleman put in the RECORD the total amount this Government loses when we take the total principal and interest under the debt-funding agreements and compare it with the total principal and interest under the loans?

Mr. WAINWRIGHT. I think that entire information is set out in the letter.

Mr. SCHAFER of Wisconsin. I hope it is; otherwise your statement is simply muddying the waters and makes the thing appear more outrageous than the gentleman's statement did yesterday.

Mr. WAINWRIGHT. The matter is stated in full detail in this letter.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

The letter referred to follows:

TREASURY DEPARTMENT,
Washington, April 23, 1930.

Hon. J. MATHEW WAINWRIGHT,
House of Representatives, Washington, D. C.

MY DEAR CONGRESSMAN: In compliance with your informal request there is set out below certain information concerning the indebtedness of the Governments of France, Great Britain, and Italy to the United States.

The debt settlements concluded by the United States with these Governments provide that the principal indebtedness as funded will be repaid in full over a period of 62 years with interest thereon at varying rates. In the case of France, the agreement provides that there shall be no interest for the first 5 years; for the next 10 years, interest shall be at the rate of 1 per cent per annum; for the following 10 years at the rate of 2 per cent per annum; for the following 8 years at the rate of 2½ per annum; for the following 7 years at the rate of 3 per cent per annum; and for the following 22 years at the

rate of 3½ per cent per annum, all payable semiannually on June 15 and December 15 of each year. The agreement with Great Britain provides that that Government shall pay interest at the rate of 3 per cent per annum for the first 10 years and 3½ per cent per annum for the remaining 52 years, all payable semiannually on June 15 and December 15 of each year. The agreement with Italy provides that that Government shall pay no interest for the first 5 years; for the next 10 years, interest at the rate of one-eighth of 1 per cent per annum; for the succeeding 10 years at the rate of one-fourth of 1 per cent per annum; for the succeeding 10 years at the rate of one-half of 1 per cent per annum; for the succeeding 10 years at the rate of three-fourths of 1 per cent per annum; for the succeeding 10 years at the rate of 1 per cent per annum; and for the succeeding 7 years at the rate of 2 per cent per annum, all payable semiannually on June 15 and December 15 of each year.

The following statement shows the total amount that the United States will receive on account of principal and interest over the 62-year period under the debt settlements with these Governments:

	Principal	Interest	Total
France	$4,025,000,000	$2,822,674,104.17	$6,847,674,104.17
Great Britain	4,600,000,000	6,505,965,000.00	11,105,965,000.00
Italy	2,042,000,000	365,677,500.00	2,407,677,500.00
Total	10,667,000,000	9,694,316,604.17	20,361,316,604.17

It should be borne in mind that the principal of the funded indebtedness as given above includes the interest which accrued prior to funding. Such interest on account of the indebtedness of France was computed at the rate of 4¼ per cent per annum up to December 15, 1922, and on the total amount then due (including principal and interest), at 3 per cent per annum from December 15, 1922, to June 15, 1925, the date as of which the debt was funded. In the case of Great Britain interest was computed at the rate of 4¼ per cent per annum up to December 15, 1922, the date as of which the debt was funded. As Italy's indebtedness was funded as of June 15, 1925, the computation of the interest was made on the same basis as that of France. The following statement shows the amounts of principal and interest included in the debts as funded for each of these Governments:

	Original principal (less repayments)	Accrued interest	Funded principal
France	$3,340,516,043.72	$684,483,956.28	$4,025,000,000
Great Britain	4,074,818,358.44	525,181,641.56	4,600,000,000
Italy	1,647,869,197.96	394,130,802.04	2,042,000,000
Total	9,063,203,600.12	1,603,796,399.88	10,667,000,000

Very truly yours,

OGDEN L. MILLS,
Undersecretary of the Treasury.

Mr. JOHNSON of South Dakota. Mr. Chairman, I yield one minute to the gentleman from Illinois [Mr. WILLIAM E. HULL].

Mr. WILLIAM E. HULL. Mr. Chairman, ladies and gentlemen of the committee, I do not desire to make a long speech upon this subject, because those who are better posted than I am have made it very clear what is for the best interests of the soldier. There is no doubt in my mind but what the Government should take care of those incurring disease during the war, and those who are incapacitated to make a living should either be compensated or pensioned, and their families to a certain degree looked after by the Government.

I desire at this time to place in the RECORD a letter from Peoria, Ill., under date of April 17, 1930, signed by Louis M. Stacy, commander of the sixteenth congressional district, and my reply under date of April 19, 1930:

THE AMERICAN LEGION,
DEPARTMENT OF ILLINOIS, SIXTEENTH DISTRICT,
Peoria, Ill., April 17, 1930.

Registered special delivery via airplane.

Hon. WILLIAM E. HULL,
Congressman from Sixteenth Illinois District, Washington, D. C.

DEAR SIR: Replying to your telegram of the 16th concerning the Johnson bill, 10381, and the Rankin amendment, 7825, the American Legion looks on the Johnson bill as the most important measure for the disabled that has yet been brought before the House.

We realize that this bill will bring relief to something like 100,000 disabled veterans at an approximate annual cost of $100,000,000, and we also realize the manner in which this bill is to be brought before the House, namely, under the rule allowing 12 hours general debate and with full privilege of adding liberalizing amendments from the floor by House vote. We also further realize what may happen, under the circumstances, to a bill which proposes to spend a hundred million dollars, and we further realize what may happen to the Johnson bill if the Rankin amendment is also passed.

We fully realize the added benefits which the Rankin amendment might bring to disabled ex-service men, but at the same time we look back on previous legislation and vetoes by former President caused by an economical complex.

The using of the disabled and other ex-service men's legislation as a political football is considerable of a sore spot in the hearts of the men of the Legion, and the continued buffeting of the disabled from pillar to post causes considerable ill feeling toward Representatives in the legislative bodies.

Hoping that this explains our attitude, I am,

Very sincerely yours,

LOUIS M. STACY,
Commander Sixteenth District.

WASHINGTON, D. C., *April 19, 1930.*

Mr. LOUIS M. STACY,
Commander Sixteenth District, American Legion,
Peoria Life Building, Peoria, Ill.

DEAR MR. STACY: Your letter under date of April 17 arrived here this afternoon, special delivery air mail.

I am very grateful to you for the information contained in this letter.

I was not sure whether the Legion in my congressional district desired me to go as far as voting for the Rankin amendment or not, and I am very thankful indeed they did not make that request, although I had made up my mind to vote for it unless I was advised not to. I do believe that it would be a mistake and that it would endanger the Johnson bill, which I believe meets all of the requirements that could be expected under present conditions. However, I am in favor of amending the Johnson bill on tuberculosis cases so they can be considered up to 1930. Any man who was in the Army and now has tuberculosis may have contracted it from exposure in the service, and it is my honest belief that the Government should give him the benefit of the doubt and take care of him.

We must all remember, however, that the passing of these bills to take care of the soldiers is running into an immense amount of money, and some discretion must be made not only to protect the Treasury of the United States at the present time but for the taxpayers of the future. The soldiers themselves, within a short while, will bear the burden of the taxes, and in reality they are voting the tax upon their own children and grandchildren; and while I believe any of them would be willing to do that, at the same time it should be done with a certain amount of discretion.

As far as I am concerned, I have the greatest sympathy for the ex-service man; and all of the votes that I have cast up to this time have been in his favor; and I hope as long as I stay in Congress to be of service to him, because, as I have often said, if the Government is not willing to take care of her disabled soldiers, then it should not expect them to enlist in time of war.

I am very grateful to you for your letter, and shall be guided by it.

With the kindest regards, I am yours sincerely,

WM. E. HULL.

P. S.—I am sending you under separate cover the CONGRESSIONAL RECORD containing the debates on the Johnson bill to date. If you should have any other suggestions to offer, kindly wire me collect.

Mr. RANKIN. Mr. Chairman, I yield one minute to the gentleman from Oklahoma [Mr. HASTINGS].

Mr. HASTINGS. Mr. Chairman, in reply to the statement made by the gentleman from New York [Mr. WAINWRIGHT] let me say that I hold in my hand a statement prepared by the Treasury Department at the suggestion of Mr. Burton, who was a member of the Debt Funding Commission, who was then a Member of the House and afterwards Senator, showing the amount the Government remitted if it received 4¼ per cent interest, the interest we paid on our Liberty bonds, to each one of these countries, and that the total loss to the United States was $10,705,618,006.90.

I ask unanimous consent to insert this table in the RECORD. It is an official table prepared by the Treasury Department showing the amount we remitted to each of those countries. It shows (1) the countries with which settlements have been made, (2) the date of agreement, (3) the amount of debt funded, (4) interest to be received, (5) total amount to be received, (6) the amount that would have been received on a British basis (3–3½ per cent interest), (7) total amount that would have been received on a 4¼ per cent interest basis, (8) total amount canceled on a 4¼ per cent interest basis, and (9) total aggregate amount, being $10,705,618,006.90, canceled, lost, or remitted in all of the settlements.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The table referred to follows:

Countries	Date of agreement	Funded principal	Interest to be received	Total	Total that would be received on British basis (3–3½ per cent interest basis)	Total that would be received on 4¼ per cent interest basis	Total canceled on a 4¼ per cent interest basis
Belgium	Aug. 18, 1925	$417,780,000.00	$310,050,500.00	$727,830,500.00	$1,041,597,000.00	$1,191,052,000.00	$463,221,500.00
Czechoslovakia	Oct. 13, 1925	115,000,000.00	[1] 197,811,433.88	312,811,433.88	252,890,000.00	327,854,000.00	15,042,566.12
Estonia	Oct. 28, 1925	13,830,000.00	19,501,140.00	33,331,140.00	[1] 33,331,000.00	39,428,000.00	6,096,860.00
Finland	May 1, 1923	9,000,000.00	12,695,055.00	21,695,055.00	[1] 21,695,000.00	25,658,000.00	3,962,945.00
France	Apr. 29, 1926	4,025,000,000.00	2,822,674,104.17	6,847,674,104.17	9,708,825,000.00	11,474,900,000.00	4,627,225,895.83
Great Britain	June 19, 1923	4,600,000,000.00	6,505,965,000.00	11,105,965,000.00	[1] 11,105,965,000.00	13,114,172,000.00	2,008,207,000.00
Hungary	Apr. 25, 1924	1,939,000.00	2,754,240.00	4,693,240.00	[1] 4,693,000.00	5,538,000.00	834,760.00
Italy	Nov. 14, 1925	2,042,000,000.00	365,677,500.00	2,407,677,500.00	4,923,820,000.00	5,821,552,000.00	3,413,874,500.00
Latvia	Sept. 24, 1925	5,775,000.00	8,183,635.00	13,958,635.00	[1] 13,959,000.00	16,464,000.00	2,505,365.00
Lithuania	Sept. 22, 1924	6,030,000.00	8,501,940.00	14,531,940.00	[1] 14,532,000.00	17,191,000.00	2,659,060.00
Poland	Nov. 14, 1924	178,560,000.00	257,127,550.00	435,687,550.00	[1] 435,688,000.00	509,058,000.00	73,370,450.00
Rumania	Dec. 4, 1925	44,590,000.00	[1] 77,916,260.00	122,506,260.05	107,488,000.00	127,122,000.00	4,615,739.95
Yugoslavia	May 3, 1926	62,850,000.00	32,327,635.00	95,177,635.00	154,651,000.00	179,179,000.00	84,001,365.00
Total		11,522,354,000.00	10,621,185,993.10	22,143,539,993.10	27,819,134,000.00	32,849,158,000.00	10,705,618,006.90

[1] Settlement made on British basis.

Mr. HASTINGS. This table is official. The figures prepared by the Treasury Department can not be disputed. We lose, cancel, forgive, or remit on the settlements with the 13 countries, based on 4¼ per cent interest, the amount we pay on our Liberty bonds, the proceeds from which we loan these Governments, $10,705,618,006.90.

On the basis of the British settlement, 3 per cent for the first 10 years and 3½ per cent interest thereafter, we cancel or lose $5,675,474,006.10.

Mr. RANKIN. Mr. Chairman, I yield five minutes to the gentleman from South Carolina [Mr. HARE]. [Applause.]

Mr. HARE. Mr. Chairman, I do not rise for the purpose of acquainting the House with the provisions of this bill, but to secure information from the chairman of the committee, author of the bill, or from the gentleman from Mississippi [Mr. RANKIN], who is sponsoring what is generally understood as a substitute. It is my understanding that under the provisions of either bill, up to January 1, 1925, any World War veteran suffering with a disability will be entitled to a compensation.

Mr. JOHNSON of South Dakota. Will the gentleman yield?

Mr. HARE. Yes.

Mr. JOHNSON of South Dakota. That is true with reference to the bill under consideration, H. R. 10381, but in the Rankin bill only certain diseases are included, a great mass of diseases not coming under that bill.

Mr. HARE. As I understand it, under the Johnson bill any man who served as a veteran and has a disability prior to January 1, 1925, is entitled to a compensation, regardless of how or where he sustained his disability.

Mr. JOHNSON of South Dakota. That is true under the Johnson bill, if he has a disability to the extent of 10 per cent.

Mr. HARE. Now, I would like to ask just one other question. Is there any provision in the bill anywhere whereby a World War veteran with a total permanent disability may be compensated, regardless of the time or place where the disability was sustained?

Mr. JOHNSON of South Dakota. I was interrupted and did not get that question.

Mr. HARE. The point is this: I obtained information from the Veterans' Bureau a few days ago that there will be approximately 3,000 veterans who are totally and permanently disabled, objects of charity, you might say, who will not be taken care of under either the Johnson bill or the Rankin bill, and I would like to know whether or not that is correct.

Mr. JOHNSON of South Dakota. There can be no exact figures given. There would be men whose disabilities are not service connected, who did not receive their injuries in the World War, who would not receive compensation under either one of the bills if their disabilities occurred after January 1, 1925. All would be taken care of who received their injuries prior to January 1, 1925, under the Johnson bill.

Mr. HARE. Just one more question, and I can best illustrate the inquiry. I know of a young man who has had both legs amputated. He suffered with Raynaud's disease, and they were amputated in 1926 or 1927. He is unable to prove to the satisfaction of the Veterans' Bureau that this disease was contracted while in the service. He has submitted evidence to show that it was contracted while in the service but is unable to prove it conclusively. Now, here is a man who served as faithfully and as efficiently as anyone, and under these two bills, as I understand, he would be entitled to no compensation whatever.

Mr. JOHNSON of South Dakota. No; not at all. If he can prove that he had this disease or had this trouble with his feet prior to January 1, 1925, on account of which disease his feet were afterwards amputated, under the Johnson bill he would receive compensation.

Mr. HARE. I am glad to have that information.

Mr. PERKINS. If the gentleman will permit, it is not necessary to prove it conclusively; all you have to do is to prove it by the greater weight of the evidence.

Mr. HARE. The point I am making, gentlemen, is that I think the people of this country are ready and willing to have the Government take care of the disabled veteran who is totally and permanently disabled, but I think it is unfair to take a veteran who has only a 10 per cent disability before January 1, 1925 or 1930 and say by an act of Congress that his disability is legally presumed to be of service connection and give him a compensation and at the same time say to his next-door neighbor, who is totally and permanently disabled, "The evidence shows that your disability is not of service connection and you are, therefore, not entitled to the provisions of the law." I feel that where a veteran has a total and permanent disability, unable to perform any work whatsoever, some provision should be made for him or his dependent wife and children, particularly where you are providing compensation for others who have as little as 10 per cent disability. I do not believe in this kind of discrimination.

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

Mr. RANKIN. Mr. Chairman, I yield the gentleman one more minute.

Mr. HARE. As I was saying, I have no objection whatever to the veteran with the 10 per cent disability receiving the compensation, but I do not think it is exactly fair to make the presumption by law that his disability arose while in the service and then deny compensation to his comrade or next-door neighbor who may have both hands off, or both legs off, and is totally and permanently disabled for life. If there is going to be a presumption of law in one case there should be a similar presumption in the other, particularly where he is unable to perform any work whatever and is an object of charity or a burden on his family. Of course, I am going to support the Johnson bill and will vote for the Rankin amendment if an opportunity is afforded, but I hope the committee will see fit to take care of the totally and permanently disabled veteran and thereby prevent his becoming an object of charity or spending the balance of his life in the "poorhouse." [Applause.]

Mr. RANKIN. Mr. Chairman, I yield five minutes to the gentleman from Louisiana [Mr. O'CONNOR].

Mr. O'CONNOR of Louisiana. Mr. Chairman, ladies and gentlemen of the committee, one thing is certain to my mind and that is if we do not get the Johnson bill, or the Johnson bill amplified and enlarged by the Connery amendment, we may as well say good night to any further, additional legislation that will aid and assist the soldiers of the World War.

The gentleman from Indiana [Mr. WOOD] unconsciously struck the keynote of an administration of economy which will preclude any legislation unless we get it now. Another tax reduction and good night, to use a good Americanism, to all thought of relieving the soldiers of our country who went out under our orders, and at that time were glorified almost to the point where they believed they would be deified in the event of death or if they returned living they would be taken care of for the balance of their lives if in need or if confronted by that poverty which apparently has overtaken a great many of them.

Mr. Chairman, ladies, and gentlemen, we must consider this legislation in connection with our general environment and the scheme of things as it exists to-day. All men know that we are pointing inevitably to the day when old-age pensions will have to be considered by the people of America. All people know that we must consider this legislation in connection with the unemployment situation that exists throughout the country. All sensible men must know that we should consider legislation of this character in connection with the machine age that is

dominating the civilization of to-day and necessarily making more and more for unemployment.

I voted to give—to give, because that is all it means, stripped of all sophistry and subterfuge, when I voted for the British funding bill, the Italian funding bill, and all the other funding bills—I was giving, as a representative of the American people, billions of dollars in settlement of the huge sum which we had loaned them and out of which those countries were paying the pensions and the benevolences that we are denying to the soldiers of our own country. This is the whole proposition involved here poured into a nutshell.

Mr. CONNERY. If the gentleman will permit, is it not very strange that, as the gentleman well knows, it is only when veterans' legislation is before the House that we have these letters read about there being a deficit in the Treasury?

Mr. O'CONNOR of Louisiana. That is the only time; and I want to say to the gentleman from South Dakota [Mr. JOHNSON], for whom, like all the other Members of this House, I have an affectionate regard, which goes also for the balance of the committee, in my judgment the logic of his own statement carries him to the support of the Connery amendment, because he argued that if $48,000,000 will do so much for the soldiers, $100,000,000 will do more. If the Connery amendment, according to the statement of the gentleman from South Dakota [Mr. JOHNSON], means the expenditure of $300,000,000, mathematically, the demonstration is certain that the Connery amendment will benefit the soldiers three times as much as the gentleman's own bill.

Mr. PERKINS. Will the gentleman yield?

Mr. O'CONNOR of Louisiana. Yes.

Mr. PERKINS. I sympathize and agree with what the gentleman has said with reference to old-age pensions.

Mr. O'CONNOR of Louisiana. Good.

Mr. PERKINS. It is only a question of time. Now, does not the gentleman agree with the proposition that inasmuch as we are pensioning Civil War soldiers, Spanish-American War soldiers, and compensating World War veterans, we ought to have a commission or a special committee of Congress to investigate and report to Congress on the whole subject?

Mr. O'CONNOR of Louisiana. Unquestionably; but in the meantime let us move to the support of them and do that which the moment demands we should do for them now. Do not make this attempt to secure a study of the whole question a subterfuge to defeat your own purpose by retarding this movement to do justice to the soldiers, and, again, I say, ladies and gentlemen, do not for a moment forget that if you ever have another tax reduction you will make immeasurably more difficult the enactment of the necessary legislation. [Applause.] Independent of the enormous sums secured by taxation, which was high during the war, we expended more than $26,000,000,000 derived from various bond issues, and this does not include the $11,000,000,000 approximately that we lent our associates or allies. If the war had continued for three months longer than it did on the above basis, we would have spent more during these 90 days than we have spent upon our soldiers from the date of the armistice until now. Keep in mind that no one three months before the armistice ever dreamed that the war would terminate in a shorter period than two years from such predictions or prognostications.

Keep in mind that in that period of exaltation we figured that 2,000,000 American boys would die on the battle fields of Europe and that $250,000,000,000 would not entirely measure our expenditures in the holocaust that followed the first day's conflagration that spread and spread until the whole world was on fire. Keep in mind that it was our boys who won the war and saved the ocean of blood that they were willing to soak the fields of France and Germany with in order to protect a civilization that tied up the financial operations of our own country and that of England. Keep in mind that it was our boys, dead and living, that won the war and saved us from an expenditure so huge that our children and their children's children would have staggered under it for generations. Keep in mind that fundamentally, essentially, we fought to maintain a civilization which is controlled, directed, and operated by rich men, who govern, if they do not own, the big banking houses, industrial enterprises, and corporations, railroad and otherwise, not only of our own country but that of Great Britain as well. Keep in mind that Great Britain owes us a debt of gratitude she can never repay, because we saved her banking houses, her vast shipping interests, and tremendous railroad holdings at home and abroad. That civilization was worth the price and worth the sacrifice, provided it keeps in touch with the heartbeat of humanity and the aspirations of American men and women who love their country because of the faith that they have in it as the torchbearer of mankind.

A country is worth fighting for that promises to make the future a little better than the past or present. A country is worth fighting and dying for that will take care of men and women, whether they have served in war or not, who have fought the good fight, "gone through hell with their hats off," who are whipped by fate, and require food, raiment, and shelter. The right to live follows the destiny of birth. Every man has a right to work and live; and when that living is threatened by inventions and machines are made to take the places of a thousand times their number of men and women, government—our Government—must step in, and, by the proper legislation, ameliorate the poverty, distress, disease, and crime that would otherwise result. Legislation such as we are now considering is taking time by the forelock and making for a real economy in the administration of our country's affairs in direct contrast to the extravagance that would flow from a niggardly economy which, when fitted into the picture of unemployment, depression of a world-wide nature, neglected, indigent old age, that would bankrupt the Nation mentally, spiritually, morally, and then financially. Vote for the Johnson bill as amended by the proposed amendment of Mr. CONNERY. You will then be building more wisely than one can prophesy at this time.

It will be the first great step in securing a double purpose. We will acquit ourselves of a solemn patriotic duty to our soldiers and we will be taking a giant stride in that great day that lies ahead when our people will be given the vision and the determination to provide for old age. It is my song early and late. It is my hope and my prayer. Paraphrasing slightly a great American orator's utterance on another great occasion, "If I could be instrumental in eradicating this deepest stain—poverty—from the character of our country I would not exchange the proud satisfaction I would enjoy for all the triumphs ever decreed to the most successful Congress." Write your names in the Book of Gold by making the way for a pension system for all our soldiers that will gradually and surely extend itself so that no man or woman in America shall be in a bread line or without that shelter which the birds of the air and the beasts of the field can and do claim for themselves.

Mr. PERKINS. Mr. Chairman, I yield eight minutes to the gentleman from Wisconsin [Mr. PEAVEY].

Mr. PEAVEY. Mr. Chairman, ladies and gentlemen of the committee, I am one of the Members of the House that believe that we owe a 100 per cent obligation to the disabled soldiers of this country. Both national political parties in this country have for years adopted in their national platform the proposition that they were for the relief of all the sick and disabled if nothing for the able-bodied. There is only one way I can see as a Member of Congress that Members of this House to-day can keep that promise. If you want to make good to the veterans, you must do it by the adoption of the Johnson bill, with the Rankin amendment, and by the passage of the Swick bill, to take care of the 150,000 who will not be taken care of by either the Johnson or the Rankin bill.

This is the course which I, as a Member of Congress, would recommend. Briefly, I want to say that I am opposed to the United States Veterans' Bureau, while holding the highest regard for General Hines and some of his assistants. General Hines is an able executive. No one questions his ability, honesty, or interest, but in spite of this, his seven years' administration of the Veterans' Bureau law has simply emphasized the utter impossibility of administering an impracticable and unworkable statute in the interests of either the soldier or the Government.

I want to say that the law establishing the Veterans' Bureau is unnatural and unsound, and I will tell you my reasons for it.

I believe that one of the collaborators, if not the originator, came from my State, a former insurance commissioner in that State, and he copied the law after the workman's compensation act of the State of Wisconsin.

I want to say that I do not believe any amount of amendments as contemplated in the Johnson bill or in the Rankin amendment will ever make the Veterans' Bureau act and the payment of compensation workable or satisfactory to the soldier, to the Government, or to Members of Congress.

I will tell you why. In the first place, take any one of the thousand veterans for whom you have handled cases as Members of Congress, and what do you find? Any veteran in the front-line trenches or on his way back through the camps in this country, if he had put his own interests ahead of his Government to protect his hospital record and all other records which would help him to establish his case after he returned, he would immediately be recognized and would not find it necessary to come to you as a Member of Congress for relief.

But, on the other hand, any such veteran in the service who put aside his own interests and sacrificed himself for the benefit of his country, now finds himself penalized and not able to

receive the benefits that we would like to confer upon him. In the first instance, dereliction of duty and loyalty to self brings its own reward to the soldier who put personal interest first. While in the second instance loyalty to his country and the country's cause penalizes the hero.

I say to you, therefore, that the only possible way you can do the veterans justice is by amending the Veterans' Bureau act for the present time—the 3-year period to take care of the extra border-line cases, then pass the Swick bill to take care of the other 150,000 veterans who can not prove service connection to establish their claim, and will not be able to do so if either the Johnson or the Rankin bill is adopted.

It has proven itself impracticable and unsound from the standpoint of the Government as shown by the records of thousands of those soldiers for the following reasons:

First, it encourages sickness and disability with resultant great cost of hospitalization, because the degree of disability is the basis of compensation, therefore, the greater the degree of disability or sickness the more compensation paid.

Second, the reverse is also true—just as the soldier improves in health his compensation is reduced, therefore, the law encites and encourages sickness and disability.

I want to say a word more as to why I feel that it is impossible for the Veterans' Bureau act to apply the workman's compensation act to the service and the World War veterans.

The workman's compensation act, as satisfactory as it may be in Wisconsin and other States where it has been adopted, is predicated on an entirely different ground. It is a contract between the employer on one hand and employee on the other to protect their mutual interests. The conditions of employment are known, and more particularly than anything else, both of these parties to such a contract have an absolute right to terminate it at will.

What is the case with the World War veterans of the United States, whom you are now attempting under the Veterans' Bureau act to compensate as workingmen, reducing them to the status of factory employees? You know that they enlisted for the term of the World War. They did not enlist for any specific purpose. They enlisted to do whatever they were told to do, whether it was the common menial labor in the kitchen or in the stable in the camps of the United States, or go over the top and die in France. Ladies and gentlemen, you know that you can not employ the yardstick of a workingman's compensation act to any man who for love of his country is willing to sacrifice his health and life for the country in time of war. If that is true, why do we persist in attempting to apply a remedy that can not be applied in fact or in law.

Mr. Chairman, in my opinion neither General Hines nor any other man or group of men will ever be able to administer the Veterans' Bureau laws so as to give justice to the disabled soldiers of this country or to the satisfaction of their friends or to the Government of the United States. The fault lies not in the administration but in the law itself. It is unnatural and unsound because it seeks to apply a principle of law applicable to labor in peace-time occupation to the veteran of the World War, enlisted or drafted, living, fighting, dying under the terrific strains imposed on the soldiers, mentally, physically, and in every other manner known only to those who served, suffered, and died during that conflict.

No matter how just or generous may be the sympathy of those who propose compensation for the sick and disabled soldiers of the World War, I say to you as Members of this House you can not compensate either the sick or disabled for their World War service. You know that, so why try to do so? Why pretend to do so?

Why rob the veterans of the World War of their glory and valor by trying to compensate them for wounds and sickness? Why reduce the World War service to the same plane as that of civil employment in times of peace?

Why not place these disabled World War veterans on the same high plane as the Nation's defenders in the war with Spain? Why not put them on a par with those grand old veterans of the Civil War? Why not treat them as soldiers instead of peace-time employees and give them a pension.

Why should Congress not say to them, "We recognize, we can not compensate you for what you have done or for what you have lost, but we can and do gladly express to you the Nation's appreciation in the form of a pension for all who are disabled.

"We, the Congress of the United States, mindful of the wishes and desires of the people of the United States tender to you, our disabled heroes, this pension as a token or expression of our esteem for your services to the Government during the World War."

Give to the sick and disabled a pension, and leave it to the country's guardian angel to decide whether service connected or not.

In a measure such as the Swick bill you can do this at a minimum of expense, using all the administration machinery of the Pension Bureau. This will permit the World War veterans to be examined by doctors in their own communities with the least possible expense to the Government and the smallest loss of time to the soldier.

Mr. MOUSER. Mr. Chairman, will the gentleman yield?

Mr. PEAVEY. Yes.

Mr. MOUSER. As I understand it, if the Johnson bill is enacted into law, there will be about 200,000 border-line cases that will be brought within its provisions.

Mr. PEAVEY. I think that is true.

Mr. MOUSER. But there would still be about half a million boys who will not receive compensation.

Mr. PEAVEY. Potentially in the next five years.

Mr. MOUSER. So that really we are not solving the problem of taking care of the disabled by this bill?

Mr. PEAVEY. Only partially.

Mr. PERKINS. There is a provision in the bill that makes it effective for only three years, and within that time we hope some practical method will be worked out to take care of every disabled and needy veteran.

Mr. MOUSER. But, in this three years' time, a lot of these boys will die.

Mr. PEAVEY. Why waste three years? The need was never more pressing as to your 150,000 disabled veterans than now.

Mr. PERKINS. We do not propose to wait for three years. This bill is effective for three years, within which time it is hoped some practical method will be found to deal with all ex-service men on an equal footing.

Mr. PEAVEY. I will answer the gentleman's question by asking him one. Does the gentleman know or has he ever heard of a better system of the Government recognizing the services of war-time soldiers in this country than by giving them a pension; and if that is so, we now have the system and the Pension Bureau; why wait to establish a policy? Why not give these disabled World War veterans relief now at this session of Congress?

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. PERKINS. Mr. Chairman, I yield the gentleman half a minute, so that I may answer his question. I agree with the idea that you can not compensate a soldier for suffering, for anguish, or for loss of life, and that the only thing that you can do in the last analysis is to pension him.

Mr. PEAVEY. Let me say just one word.

The CHAIRMAN. The time of the gentleman from Wisconsin has again expired.

Mr. JOHNSON of South Dakota. Mr. Chairman, I yield the remainder of my time to the gentleman, as it is only half a minute.

Mr. PEAVEY. The adoption of the Swick bill by Congress will automatically reduce the Government's burden for the support of its World War defenders to a minimum. Why? Because it reverses the Veterans' Bureau system of encouraging a man to get sick and remain sick in order to get anything and will by giving these veterans a pension encourage them to live in their homes with relatives and friends and rehabilitate themselves, knowing that they can count on the pension allowed for their present and future support.

The passage of the Swick bill will, in my opinion, relieve the Government of tens of millions of dollars now being paid for hospitals and their upkeep.

In conclusion let me say that I have conferred with every Legion and Veterans of Foreign Wars camp in my district, as well as several hundred veterans. They are almost unanimous for the passage of the Swick bill. They do not want the veterans now drawing compensation from the Veterans' Bureau cut off or disturbed, but they would like veterans drawing compensation under the Veterans' Bureau act to be given the option of remaining or applying for pension under the provisions of the Swick bill.

Mr. Chairman, the thought has been advanced here by Chairman Wood, of the Appropriations Committee, this afternoon that if we take care of these soldiers in an adequate manner we are going to endanger the Treasury and perhaps bring about the Nation's bankruptcy. I leave this thought with you. There are two kinds of bankruptcy. One is financial and the other moral. Which would you rather have this country face, financial bankruptcy by feeding and clothing its war veterans or moral bankruptcy by letting the sick and disabled soldiers starve?

Mr. RANKIN. Mr. Chairman, I yield five minutes to the gentleman from Ohio [Mr. CROSSER].

Mr. CROSSER. Mr. Chairman and members of the committee, it was my lot to be a Member of this House when the United States entered the World War, and the frantic efforts which were made by the officials of our Government to make

the people enthusiastic for the draft, for the conscription law, are still clear in my memory.

Anyone who was here at that time can clearly recall the glowing promises that if we would only pass the draft law, oh, then, when they should come back from overseas, if they did come back, the young men of the country, who were torn from the family firesides, would find the best in the land waiting for them as their reward for the sacrifice made and the service given by them for the country. Yet the very men who talked the most, who were the most emphatic in making such promises to the youth of the country, have in recent years been the most heartless and stubborn opponents of reasonable, fair compensation to the men who suffered the heat of battle on behalf of the United States of America. There is much truth in the sentiment expressed by the gentleman from Wisconsin [Mr. PEAVEY], who spoke just before me. He referred to the possibility of the moral bankruptcy of the Nation as a consequence of the grasping policy advocated in the name of economy. In our effort to save money, let us beware lest we bring about that worst of all conditions, namely, indifference to our moral obligations to the men who risked their lives and suffered in behalf of our country.

We who were here can recall the flowery speeches which were made in urging the passage of the draft law. We can recall the wonderful promises which were made in order to make the people of the country feel satisfied, for the speech makers were fearful as to whether or not the people would approve the conscription law. All who were here during the war know that the men who were to be drafted were promised the best in the land when the war should have ended. Yes; they were told not only that they would be liberally compensated by the Government on account of wounds and ill health, but they were told that their jobs would be waiting for them. Who does not know that to-day thousands of ex-soldiers are walking the streets and highways unable to secure employment? As to the compensation of the disabled ex-soldiers, we all know that scores of thousands of ex-soldiers who are suffering from disease are refused compensation, and that many, many men suffering from tuberculosis have been refused relief because they did not satisfy officials that their illness originated in the service. We can almost say in advance what will be the reason for the bureau's rejection of a claim.

I shall vote to change the pending bill so as to provide that if an ex-soldier is shown to have tuberculosis on January 1, 1930, he will be entitled to compensation unless the Government proves that it was not the result of the service. The law now compels an ex-soldier to prove that the disease was caused by service in the Army and that is unjust. It is almost impossible in very many cases for the soldier to prove, in the way required by the Veterans' Bureau, that tuberculosis was caused by the service. Let us therefore do away with this red tape that results in so much suffering, worry, and even want to the men who risked their lives for the country. Let the Government pay its just debt to its soldiers. Every principle of justice requires that if one person has been injured as a result of another's actions, the injured person should be put as nearly as possible in as good circumstances as before his injury. Surely, when the Government of the United States requires some men to suffer and risk their lives for the Nation as a whole, the least it should offer to do is to recompense those brave soldiers as far as possible.

Away, therefore, with those who when they wanted men for the Army patted them on the back, told them what wonderful men they were, gave them wonderful promises as to what would be done for them, but now tell us that the country can not afford to pay our brave soldiers reasonable compensation. Those who, in 1917 and 1918, talked so much about patriotism and who promised the country's soldiers much when they returned from the war, should remember that patriotism consists not in shouting and boasting, but in righteousness and well-doing. Let us, by our votes on this bill, show that the Government of the United States appreciates the men who served it. [Applause.]

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. RANKIN. Mr. Chairman, I yield five minutes to the gentleman from Alabama [Mr. PATTERSON].

The CHAIRMAN. The gentleman from Alabama is recognized for five minutes.

Mr. PATTERSON. Mr. Chairman and members of the committee, I have listened to practically all the debate that we have had since we began the consideration of this bill. I think one thing is demonstrated, and that is that we will soon come to the granting of service pensions, including widows and orphans of those who have gone on before and given their best to the country.

It is admitted that neither of these bills, neither the Johnson bill nor the Rankin bill, is what can be termed a scientific measure. There is no more reason for fixing the time limit of this bill at the year 1925 than at 1930, unless it is a financial proposition; and if so, there is nothing scientific about it.

Some gentlemen point out that there is a great probability of a presidential veto in case we undertake to do justice to the World War veterans or give them a measure which carries a very large amount of compensation to them.

I am interested in the headlines of the evening paper where it says the President has asked for $35,000,000 for the construction of buildings here in the District of Columbia. I was not here when we had up the veterans' legislation before, but it seems that the time when we hear most of the necessity of economy and distress of the Treasury is when we have veterans' legislation under consideration.

I yield to no man in my desire to take care of the Public Treasury. I am only a new Member, an humble member of the minority. But I am here to protect the Treasury, and I believe that a number of bills have been passed which we could have done without, as, for example, the bill authorizing the construction of the new annex to the House Office Building, a proposition to expend from $10,000,000 to $12,000,000. I do not think that was absolutely necessary. All those things added together make great sums of money.

Many of these soldiers gave up their homes and went out and spent two or three years of the best time in their lives, while many of their comrades, just a few months older, or who had families, spent their time here, and many of them became rich and millionaires.

I am interested in the statement that we may not have a tax reduction next year. I notice that my friend from New Jersey [Mr. PERKINS] is enthusiastic about this measure, to stop at 1925. I am reminded of an incident out in the West where there occurred a case of horse stealing. The guilty man was captured, and some one in the crowd around him advocated the idea of shooting him, and another advocated the idea of hanging him. Finally, after a long wrangle, they decided to ask the prisoner what he thought of the situation; and he said, "I am as much interested in this procedure as any one of you, but I can not get up any enthusiasm about either plan."

I challenge you to show me any one of these corporations that has gone on the plan of Santa Claus and given to their laborers any proportion of what they have gained.

I yield to no man in matters of being for economy and tax reduction, but I should like to see real tax reduction which would reach the common man who labors with his hands, whether on a farm, in a factory, or wherever; and the small business and professional man who is struggling to make ends meet. I believe that should this House adopt the policy of turning down a great many of the large appropriations which we vote here from time to time, we could have a tax reduction which would extend to the common people. Everyone knows that the kind of tax reduction which we had a few months ago, which has been heralded over the country by some propagandist as wonderful, only relieved those who were most able to pay and not the man or woman whose job or work was barely making him a living. And as I say, I have not heard of one of these who got large relief giving it to workers or others. And while I am on this point I predict that the people some day will understand this situation.

Now, the soldier, even though he gave his all to his country, is not asking for the entire income of the country. No; his demands are reasonable. He is like the poor workingman and farmers, from among whom most of them come, his demands have been very liberal and I stand unqualifiedly for taking care of him. We said when we needed him that nothing was too good or would be. When the war was over we met him as a hero and beat the drum which is all right, but we all know that a great many of them found themselves handicapped by disease and in a number of other ways when he tried again to get on his feet with the economic conditions which he faced. Thousands of them long ago have lost the fight and now sleep with their fathers, and in view of these things I shall give as near as possible justice to those left and the widows and orphans and dependents of those gone on before.

It is stated that our national income is more than $90,000,000,000, and can not we set aside a little measly 1 per cent of that for those millions who offered their all on the altar of their country? I have only one answer, and that is, we can. Yes; I stand for not only bringing the disabilities up to the present, but a service pension, and doing away with a lot of this overhead we know that should go directly to the veterans and their families.

Too, I do not believe all this sham which is being set up running up into the hundreds of millions that the extension of this

service would cost. I do not believe the President will veto any reasonable measure relieving our disabled veterans and their families and bringing it up to date. I do not believe this Congress will deny this when it can vote out millions for so many causes which never reach the great masses of our people.

We profess that we are for the veteran. Now let us call the roll. I am ready to give him justice and will show it by my vote. I consecrate myself to doing my part to see that this great rich country shall take care of the veteran and do it in the spirit which will let him know that it is a pleasure and that we mean to do it amply.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. RANKIN. Mr. Chairman, I yield five minutes to the gentleman from North Carolina [Mr. DOUGHTON].

The CHAIRMAN. The gentleman from North Carolina is recognized for five minutes.

Mr. DOUGHTON. Mr. Chairman, ladies and gentlemen of the committee, I am a firm believer in economy. I think it should be practiced as well as preached, not only in governmental affairs but in all the walks of life. But seriously, my friends, I have no patience with the issue of economy that has been raised, when it comes to doing justice to our disabled and uncompensated World War veterans. That is carrying the economy program entirely too far.

Now, the debate on this bill has taken quite a wide range. It has been stated here to-day by members of the Committee on World War Veterans' Legislation that this bill is not what it should be, and the suggestion has been made that we should appoint a commission or a committee, so in the course of two or three years we could work out a scientific, well-balanced measure that would do justice to these disabled and uncompensated veterans. But you all know that in less time than two or three years many of these men who are now disabled and dependent and have no means of livelihood will have passed over to the Great Beyond. It is a disgrace to this great Government that we should consider the matter of economy in lieu of justice to our worthy World War veterans. I think this country owes a debt of gratitude to my good friend from Mississippi, Mr. RANKIN, and my friend from Massachusetts, Mr. CONNERY, for the tireless efforts they have employed in bringing to the attention of the Congress and the country the importance and necessity of some legislation for our worthy and needy ex-service men.

I have here a letter from the commissioner of labor and printing of North Carolina, a World War veteran and a member of the American Legion, a man who travels over North Carolina all the time, and who knows the serious condition of the soldiers.

Here is the letter, which I will read in my time:

RALEIGH, N. C., *April 15, 1930.*

Hon. R. L. DOUGHTON,
Washington, D. C.

DEAR MR. DOUGHTON: I understand that H. R. 7825, known as the Rankin bill, for the relief of the World War veterans, is coming up for consideration in the House on a minority report.

I have discussed both the Rankin bill and the Johnson bill with a great many of the ex-service men in North Carolina, and especially the disabled men, and they are preponderantly in favor of the Rankin bill. If you can see your way clear, I trust that you will join with Representative RANKIN in securing the passage of H. R. 7825.

I desire to say that I shall support the Rankin amendment. If that fails, of course I shall support the Johnson bill. In my judgment, the majority of the soldiers favor the Rankin bill, and I believe it will come nearer doing justice to this worthy class of citizens than any other legislation that is offered, and I shall therefore support the Rankin amendment.

Mr. CONNERY. Will the gentleman yield?

Mr. DOUGHTON. I yield.

Mr. CONNERY. Will the gentleman support my amendment to bring the Johnson bill up to 1930?

Mr. DOUGHTON. I shall gladly support it.

Mr. RANKIN. Mr. Chairman, the other gentlemen who requested an opportunity to speak do not seem to be here just now, and I am willing that we proceed with the reading of the bill.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Be it enacted, etc., That section 5 of the World War veterans' act, 1924, as amended (sec. 426, title 38, U. S. C.), be hereby amended to read as follows:

"SEC. 5. The director, subject to the general direction of the President, shall administer, execute, and enforce the provisions of this act, and for that purpose shall have full power and authority to make rules and regulations, not inconsistent with the provisions of this act, which are necessary or appropriate to carry out its purposes, and shall decide all questions arising under this act; and all decisions affecting any claimant's right to the benefits of Titles II, III, or IV of this act shall be conclusive except as otherwise provided herein. Notwithstanding the provisions of section 71, title 31, United States Code, the Comptroller General of the United States is hereby authorized and directed to allow credit in the accounts of the disbursing officers of the United States Veterans' Bureau for all payments authorized by the director heretofore or hereafter made from moneys appropriated for carrying out the provisions of the World War veterans' act, as amended. All officers and employees of the bureau shall perform such duties as may be assigned them by the director. All official acts performed by such officers or employees specially designated therefor by the director shall have the same force and effect as though performed by the director in person. Wherever under any provision or provisions of the act regulations are directed or authorized to be made, such regulations, unless the context otherwise requires, shall or may be made by the director. The director shall adopt reasonable and proper rules to govern the procedure of the divisions and to regulate and provide for the nature and extent of the proofs and evidence and the method of taking and furnishing the same in order to establish the right to benefits of compensation, insurance, vocational training, or maintenance and support allowance provided for in this act, the forms of application of those claiming to be entitled to such benefits, the methods of making investigations and medical examinations, and the manner and form of adjudications and awards: *Provided,* That regulations relating to the nature and extent of the proofs and evidence shall provide that due regard shall be given to lay and other evidence not of a medical nature."

Mr. JOHNSON of South Dakota. Mr. Chairman, it is apparent that there has been an understanding among the membership of the House that no amendments will be offered to-night, so I am about to move that the committee rise. Before making that motion I think there is no question but that we can complete the bill to-morrow.

Mr. RANKIN. I would like to have this understanding with those in charge of the bill on the majority side, that we finish this bill to-morrow if it takes until midnight.

Mr. JOHNSON of South Dakota. I think we should have that understanding. So that every Member will understand that we will remain in session until it is finished. If we do not finish it to-morrow, it will lose its place on the calendar because the Rivers and Harbors Committee would be recognized on Friday.

Mr. RANKIN. I will say to the gentleman from South Dakota that I expect to do everything I can to expedite the disposition of the bill, and I hope we will remain in session until it is finished if it takes all night.

Mr. JOHNSON of South Dakota. It will be the understanding that we finish the bill to-morrow if we stay here all night.

With that understanding, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. MAPES, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill (H. R. 10381) to amend the World War veterans' act, 1924, as amended, had come to no resolution thereon.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Craven, its principal clerk, announced that the Senate insists upon its amendments to the bill (H. R. 7491) entitled "An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1931, and for other purposes," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. MCNARY, Mr. JONES, Mr. CAPPER, Mr. OVERMAN, and Mr. HARRIS to be the conferees on the part of the Senate.

REREFERENCE OF A BILL

Mr. IRWIN. Mr. Speaker, I ask unanimous consent that the bill S. 2219, which has been referred to the Claims Committee, be rereferred to the Committee on War Claims.

The SPEAKER. The gentleman from Illinois [Mr. IRWIN] asks unanimous consent that the bill S. 2219, referred to the Claims Committee, be rereferred to the Committee on War Claims. Is there objection?

Mr. GARNER. Mr. Speaker, reserving the right to object, I understand that that course is agreeable to both committees?

Mr. IRWIN. Yes; it is.

The SPEAKER. Is there objection?

There was no objection.

HOUR OF MEETING TO-MORROW

Mr. TILSON. Mr. Speaker, I ask unanimous consent that when the House adjourns to-night it adjourn to meet at 11 o'clock to-morrow.

The SPEAKER. The gentleman from Connecticut asks unanimous consent that when the House adjourns to-night it adjourn to meet at 11 o'clock to-morrow. Is there objection?

There was no objection.

DECISION OF THE COMPTROLLER GENERAL

Mr. LANKFORD of Georgia. Mr. Speaker, I ask unanimous consent to extend my remarks by printing in the RECORD a decision of the Comptroller General dealing with World War veterans' disability compensation.

The SPEAKER. The gentleman from Georgia [Mr. LANKFORD] asks unanimous consent to extend his remarks by printing a report from the Comptroller General on World War veterans' compensation. Is there objection?

There was no objection.

Mr. LANKFORD of Georgia. Mr. Speaker, under leave to extend my remarks in the RECORD, I submit the following decision of the Comptroller General of the United States:

COMPTROLLER GENERAL OF THE UNITED STATES,
Washington, April 9, 1930.

The DIRECTOR UNITED STATES VETERANS' BUREAU.

SIR: Consideration has been given to your letter of March 7, 1930, as follows:

"I have the honor to request your decision in the case of Maston Emory Avera, C-275029, the facts of which are as follows:

"'Maston Emory Avera enlisted in the military service on April 2, 1917, and was honorably discharged July 29, 1919. On July 21, 1918, he was wounded in the Battle of Soissons.

"On August 11, 1919, he filed a formal claim for compensation, as result of which on September 5, 1919, he was given an award of disability compensation effective from date of discharge. On April 28, 1920, he reenlisted and served through December 23, 1920, when he was discharged on a surgeon's certificate of disability. The report from The Adjutant General with reference thereto reads as follows:

"'Discharged because of I. G. S. W. left forearm. FCC both bones and injury median nerve. July 21, 1918. Soissons. Wrist, elbow, and rotation of forearm normal. Union and position good. Healed. Hand, thumb, first and middle fingers limited to 50 per cent of motion. In line of duty. Disabled: Fifteen per cent.'

"Compensation for this period was excluded under the terms of an amended award approved May 2, 1921. He was notified by letter that he was not entitled to compensation during the period of reenlistment. On January 31, 1923, payments were discontinued because of his failure to cooperate and report for physical examination. On July 28, 1925, he reported requesting that his claim be reopened and that he be allowed retroactive compensation from January 31, 1923. Upon reexamination and the consideration of evidence submitted the award was reopened and compensation paid from the time of discontinuance February 1, 1923.

"In December, 1928, The Adjutant General's Office reported that the claimant had reenlisted on May 29, 1922; deserted on November 27, 1922, and was still carried as a deserter at large. The award was thereupon discontinued effective as of May 28, 1922, resulting in an overpayment of $3,163.41. The committee on recoveries, under the authority conferred by section 28 of the World War veterans' act, as amended, has considered this erroneous payment and held that the claimant was not without fault and therefore not entitled to relief. Recently Congressman WILLIAM C. LANKFORD has questioned the legality of the action of the bureau in denying the claimant compensation over the period during which he was in desertion from the last enlistment. In accordance with the request of the Congressman there is transmitted herewith for your consideration a letter containing the arguments advanced by him in opposition to the ruling.

"In this connection attention is invited to the decision of your office dated February 2, 1924, as follows:

"'Furthermore, section 312 of the war risk insurance act provides that compensation shall not be paid while the person is in receipt of service pay. The evident purpose and effect of this and other provisions of the war risk insurance act would seem to be that compensation is not payable to any person while still obligated under an enlistment for active service. It can not be assumed that the law was intended to permit a person obligated for active service to become entitled to compensation by voluntarily and wrongfully placing himself in a nonpay status—for instance, by absence without leave or desertion. An unapprehended deserter is not released from his obligation for active service, and a subsequent enlistment and honorable discharge can not, ipso facto, operate to remove the charge of desertion from the former enlistment nor relieve the deserter from the obligation thereunder.'

"The practice of the bureau at the present time in cases which resemble this is to hold that compensation may be paid from and after the date the man is issued a deserter's release from the Army. In this case, however, the claimant has never secured such a release, and the Congressman states that he believes such a step is not necessary and feels that the payment of compensation in a case like this should not be contingent on the question of discharge.

"The thirty-ninth article of war fixed a period of limitation of three years from time of desertion during time of peace after the expiration of which the deserter can not be made amenable to military law. Any period of absence from the jurisdiction of the United States or any period during which by reason of some manifest impediment the accused is not amenable to military justice must be excluded in computing the 3-year period. The 3-year period of limitation expired in this case on November 27, 1925, unless there was a period of time after his desertion and prior to November 27, 1925, when he was absent from the jurisdiction of the United States or otherwise manifestly not amenable to military law. Your decision is therefore requested as to whether or not in the event this man furnishes evidence showing that he was not absent from the jurisdiction of the United States or otherwise manifestly not amenable to military law he was released from all obligation to serve in the military forces on November 27, 1925, and entitled to compensation for periods subsequent to that date.

"In connection with this question you are advised that there is also pending in the bureau for decision the case of Henry C. Perrine, who during a period of service in the World War which terminated honorably on March 7, 1919, incurred disabilities of compensable degree. By reason of his status of a deserter at large from the Marine Corps under an enlistment beginning March 3, 1920, from which he deserted September 2, 1920, he is not being paid compensation. In this case the Marine Corps has advised that the claimant's status is that of a deserter at large whose trial for desertion is not practicable by reason of the statute of limitations. The Marine Headquarters recently advised over the telephone that there was no such thing as a deserter's release in the Marine Corps.

"At the request of Capt. Thomas Kirby, Disabled American Veterans, there is inclosed copy of a letter addressed to the bureau on November 1, 1929, in connection with this claim.

"Your early advices will be appreciated."

Under the provisions of section 29 of the war risk insurance act as amended March 4, 1923 (42 Stat. 1521), it was held, in decision of February 2, 1924 (3 Comp. Gen. 465), that desertion barred all right to disability compensation on account of service in the enlistment from which deserted or in any other enlistment prior or subsequent thereto. See also for comparison Fourth Comptroller General, page 171, and Fifth idem, page 857, in the latter of which, page 859, are cited the statutes from which may be traced the changes in section 29 of the war risk insurance act and section 23 of the World War veterans' act, having to do with forfeiture of compensation for certain offenses, including desertion. The latter section, as amended by the act of March 4, 1925 (43 Stat. 1303), which is the existing law, added the following proviso, which by the terms of the act was made retroactively effective from April 6, 1917:

"* * * *Provided further,* That discharge or dismissal or finding of guilt for any of the offenses specified in this section shall not affect the payment of compensation or maintenance and support allowances for disabilities incurred in or aggravated by service in any prior or subsequent enlistment. * * *."

Under the plain terms of this proviso the act of the desertion itself of Avera from the Army and Perrine from the Marine Corps, both of which were peace-time desertions (7 Comp. Gen. 108), may not be held to affect payments of disability compensation awarded for disability incurred in or aggravated by a prior World War enlistment from which honorably discharged.

The question for determination, therefore, in each case is whether it is proper and legal to resume payments of disability compensation to beneficiaries carried on the rolls of the Army and Marine Corps as unapprehended deserters from enlistments other than that to which the compensation relates and, if so, the effective date of such resumption of payments.

The only portion of the statute controlling or having a direct bearing on the matter is the following proviso in section 212 of the World War veterans' act, as amended by the act of July 2, 1926 (44 Stat. 798):

"* * * *And provided further,* That compensation under this title shall not be paid while the person is in receipt of active service or retirement pay, this proviso to be effective as of April 6, 1917. * * *"

As contended by Congressman LANKFORD, this proviso was enacted primarily to prohibit a veteran from actually receiving active service or retirement pay and disability compensation over the same period of time. It is not likely that the proviso was enacted with particular reference to the status of unapprehended deserters. But it has become necessary to apply the proviso to the status of unapprehended deserters both in the Army and the Marine Corps, and, in doing so, there must be considered the purpose and intent of the proviso, as well as the laws, decisions, and matters of public policy applicable to deserters. Of course, the unapprehended deserter is not entitled to, and does not receive, active service pay while in desertion or while absent without authority, but it is most unreasonable to conclude that that fact alone would be sufficient to entitle the deserter to disability compensation from the date he deserted. That is to say, there would appear to be no sound basis for holding that a veteran legally in a status under which he was not entitled to disability compensation could, by his

wrongful act of desertion, restore himself to a status under which he would be entitled to such compensation.

Reference is made to decision of February 2, 1924 (3 Comp. Gen. 465, 467), from which you quote. While that decision has, in part, been rendered inoperative by the amendment to section 29 of the World War veterans' act, above quoted, so far as the decision applied to section 812 of the former war risk insurance act, the reasoning therein may be applied in the instant matter. Desertion does not terminate the relationship between the enlisted man and the United States, but there remains an obligation to serve. In the case of In re Grimley (137 U. S. 147, 151) the Supreme Court stated:

"But in this transaction something more is involved than the making of a contract, whose breach exposes to an action for damages. Enlistment is a contract; but it is one of those contracts which changes the status; and, where that is changed, no breach of the contract destroys the new status or relieves from the obligations which its existence imposes. * * * In other words, it is a general rule accompanying a change of status, that when once accomplished it is not destroyed by the mere misconduct of one of the parties, and the guilty party can not plead his own wrong as working a termination and destruction thereof * * *."

In addition, it may be stated that it would be against public policy as tending to encourage, or place a premium on, desertion, if a disabled veteran were permitted, by an act of desertion to acquire a right to again receive payment of disability compensation—possibly, in some cases, in amounts larger than his active-service pay. It would be one taking advantage of his own wrong. While, as previously stated and as contended by Congressman LANKFORD, neither the act of desertion from a subsequent enlistment, nor a discharge or other punishment as a result thereof, may be considered as precluding payments of disability compensation based on prior honorable service during the World War, the considerations above stated impel the conclusion that the resumption of payments of disability compensation to unapprehended deserters from either the Army or the Navy may not be made effective from the date of desertion, but only from and after the last date the veteran could have received active-service pay under the enlistment from which he deserted.

In the Army a deserter may be brought under military control and made to serve out the time lost in desertion, even after the termination of the enlistment period. See the act of April 27, 1914 (38 Stat. 353), and the one hundred and seventh article of war, act of June 4, 1920 (41 Stat. 809). For the purpose of this decision it is unnecessary to decide whether such authority to thus apprehend a deserter and make him serve terminates or does not terminate with the expiration of the 3-year period beyond which a deserter from the Army in time of peace may not be tried and punished. (Thirty-ninth article of war, 41 Stat. 794.) (See in this connection 15 Op. Atty. Gen. 152, 162; 16 id. 171, id. 396; 20 Comp. Dec. 751, 756; 9 Comp. Gen. 223, id. 114, 117.) In any event the time required to be served in the Army, if and when apprehended, would not exceed a period equal to the remainder of the enlistment after the date of desertion, which would be the maximum period during which the deserter could have received active-service pay under the enlistment if he had not deserted or had been in due time apprehended and restored to duty.

In the Navy and Marine Corps there is no law or regulation which requires an enlisted man of the Navy or Marine Corps to make good any time lost by desertion. (See 20 Comp. Dec. 751, 756, above cited, which was cited and followed in 3 Comp. Gen. 874 and 7 id. 523.) The act of August 29, 1916 (39 Stat. 580), as amended by the act of July 1, 1918 (40 Stat. 717), authorizes and requires extensions of enlistment in the Navy and Marine Corps for absences due to misconduct, but the decisions now hold that absences in desertion and other unauthorized absences are not due to misconduct and do not automatically extend the period of enlistment (4 Comp. Gen. 1026; 5 id. 189, 192). Therefore, in the Navy and Marine Corps active-service pay could have been received by the deserter only for a period equal to the remainder of the enlistment after the desertion.

Since the only legal basis for denying disability compensation to the unapprehended deserters in either the Army or the Marine Corps is the statutory inhibition against receipt of the same while in receipt of active service pay, also, and since the deserters would not, under any circumstances, either in the Army or the Marine Corps, be entitled to active service pay under the enlistment except for a period equal to the remainder of his term of enlistment, it may be concluded that when the disability compensation has been withheld for a period equal to the remainder of the term of enlistment, after desertion, there is thereafter no legal basis for a further withholding. In other words, the right to disability compensation must be regarded as the same as though there had been no desertion and the man had served out the full period of his enlistment.

You are advised, therefore, that the rule may be applied when considering service in the Army, Navy, or Marine Corps, that payments of war-risk disability compensation awarded on the basis of prior World War service from which honorably discharged, may be resumed, to an unapprehended deserter from a subsequent peace-time enlistment, at the expiration of the full period of the enlistment from which the man deserted.

The accounts of Avera and Perrine should be adjusted accordingly.

Respectfully,

J. R. MCCARL,
Comptroller General of the United States.

IOWA TRIBE OF INDIANS, OKLAHOMA

Mr. HASTINGS. Mr. Speaker, recently there was a judgment rendered in behalf of the Iowa Tribe of Indians of Oklahoma. That judgment was certified to Congress, and the item was placed in the deficiency appropriation bill, making the appropriation, but there was no procedure outlined for the payment of the judgment. A resolution has been introduced in both Houses, and it passed the Senate yesterday and it was ordered favorably reported by the House Committee on Indian Affairs, and it is satisfactory to the Interior Department to disburse this money. It is embodied in a joint resolution, S. J. Res. 156, and I ask unanimous consent for its present consideration.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent for the present consideration of a resolution which the Clerk will report.

The Clerk read the joint resolution, as follows:

Resolved, etc., That the Secretary of the Interior be, and he is hereby, authorized to withdraw from the Treasury of the United States funds on deposit arising out of a judgment rendered by the United States Court of Claims, on claim No. 34677 entitled "The Iowa Tribe of Indians against The United States," and cause the total sum, less fees and expenses as fixed by the Court of Claims, to be paid in pro rata shares to all members of the Iowa Tribe of Indians of Oklahoma who were alive and properly enrolled or legally entitled to enrollment on the date of said judgment: *Provided*, That the said Secretary shall cause to be paid, in cash, all shares due or belonging to competent Indians: *Provided further*, That the shares of all other Indians, including minors, shall be deposited to their individual credit and be subject to existing laws governing individual Indian moneys.

The SPEAKER. Is there objection?

There was no objection.

The joint resolution was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the joint resolution was passed was laid on the table.

A similar House bill was laid on the table.

LIMITATION OF NAVIES COMPACT

Mr. MCLEOD. Mr. Speaker, I ask unanimous consent to extend my remarks by inserting in the RECORD a statement relative to the signing of the limitation of navies compact.

The SPEAKER. The gentleman from Michigan asks unanimous consent to extend his remarks in the RECORD by printing a statement in relation to the signing of the limitation of navies compact. Is there objection?

There was no objection.

Mr. MCLEOD. Mr. Speaker, the United States has just been saved $1,000,000,000, which we expected to spend on the naval side of our defense establishment. I advocate turning back one-tenth of this amount for the development of the greatest national defense agency in the world to-day, namely, aviation, as I have provided in my bill H. R. 6609, which is now pending before the House Committee on Interstate and Foreign Commerce.

I am sure that all of the peoples of the world were gratified to receive the announcement yesterday that the five principal naval powers signed a limitation of navies compact toward which the leaders of the various countries have been laboring for the past 14 weeks.

The first important consequences of this treaty is to be greater good will between nations. An important by-product of the treaty is to be the lifting of a large part of the financial burden of enormous armaments. President Hoover and the American naval delegation deserve the applause of the entire Nation for the part they have played in this treaty making.

We are informed by the statement of President Hoover, of April 11, that the saving to the United States in the next six years is to be approximately $1,000,000,000. We are fortunate in not being required to spend this amount of money for battleships, because despite the statements of some naval experts to the contrary there is a strong and respectable school of thought holding the opinion that battleships at best are obsolete relics of a past epoch and would serve no useful purpose either in war or in peace. Money spent for battleships would be money wasted in every sense of the word. Even a large part of the strongest advocates of national defense concede that, and I am an advocate of national defense but not of obsolete national defense.

My purpose in speaking to you at this time is to call your attention to the fact that one particular instrumentality is uniquely adapted to both the pursuits of peace and of war, and at the same time is still in the embryonic stage of development. I refer to aircraft. The age of battleships is fading out in the dim past. The age of flying is expanding before us. Will we be as proud of the part we play in this new age as we are of the part we played in the past?

Since we have been so fortunate as to save $1,000,000,000 from being wasted in battleships, let us look well to our future course. One-tenth of this amount of money spent immediately in the further encouragement of commercial aviation will in the opinion of many be at least equivalent for national-defense purposes to $1,000,000,000 in battleships and at the same time will be a productive investment from an economic standpoint and, best of all, will be a further step in the building of international good will, because nothing is better adapted to bring about the mutual understanding of different nations than quick and cheap communication between them, which permits the rank and file of their respective citizenry to intermingle at will.

For a number of years past I have proposed the above-mentioned bill, which I have again introduced in the present Congress, to provide $100,000,000 loan fund for the encouragement of private enterprise in commercial aviation. I now call upon Congress in its wisdom to take advantage of this most opportune time to set aside a little of our national pocket money against future contingencies. There will never be a better opportunity for the wise expenditure of one-tenth of a billion dollars.

ELECTRIC POWER RESOURCES OF THE UNITED STATES

Mr. McLEOD. Mr. Speaker, I ask unanimous consent to insert in the RECORD a letter addressed to Vice President Charles Curtis relative to the electric-power resources of the United States.

The SPEAKER. The gentleman from Michigan asks unanimous consent to extend his remarks in the RECORD by inserting a letter addressed to the Vice President with relation to the electric-power resources of the United States. Is there objection?

There was no objection.

Mr. McLEOD. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following letter addressed to the Vice President with relation to the electric-power resources of the United States:

WASHINGTON, D. C., *April 21, 1930.*

Hon. CHARLES CURTIS,
Vice President of the United States,
United States Senate, Washington, D. C.

MY DEAR SIR: Under the irresistible pressure of my imperious duty, and in response to the demand of common justice, I must write this final memorandum. Our self-respect and our obligation to the tribunal of history impel me to express only a few but irrefutable facts, so as to fix the responsibility to our incalculable losses which have been caused by some obstructionists, by hindering the advent of a creative work.

Certainly, deeply deplorable as it is, the perpetration of this hindrance as the beneficial utilities of the matter are beyond human conception. The eventual possibilities of it can not enter into the powerful imagination of a most fertile brain of any exceptional prodigy.

The attainment of such a factor became the supreme aim of the man's progenitor since the first day he trod on this planet. He found himself in the wilderness, naked, defenseless, and destitute, surrounded with ravenous beasts, venomous reptiles, and subject to the agonizing and destructive evils of nature.

In the strife of existence and in the pursuit of gratifying things of nature, the hand of this primate raised against his weaker brother. Anxiety for existence and supremacy for enjoyment created the eternal struggle between brothers. Since the first fratricide this bloody conflict is continuing, although in different ways and manners.

"Never sun sets without witnessing the shedding of human blood and the sufferings of the maimed and mutilated."

Starting with the origin of man, although different in volumes, the perpetual rivers of blood and tears are flowing ceaselessly. A microscopic examination of all strife or wars will find two main causes or motives, namely, life and power or self-existence and supremacy. Perhaps human intellect may mitigate some artificial conflicts or miseries. Nevertheless, the spontaneous or forced struggle of unavoidable factors are inalterably destined to be perpetuated until the advent of industrial Messiah, the Free Energy.

The resource of this emancipative energy must be inexhaustible. It should be produced freely, without expense, and without labor. Not only manufacturers but all and every farm, hamlet, and home also should obtain freely and easily ample energy for heat, light, and motive power. Its instrumental medium, the machine or engine, must work in the cellar or garret, in the depth of valleys, or on the top of hills, as it should work in the frigid poles or Tropics, by day and by night.

Luckily, the above-mentioned work, my invention or discovery, the Garabed, is vested with these requisite qualifications and requrimenets.

The United States Congress accepted my offer to utilize freely my work in all United States Government's own use, and passed a resolution for it. The President vetoed the resolution to the satisfaction of some persons who publicly were accusing me of stealing their inventions.

In the reconsideration of it an amendment had been attached to it. According to its stipulation, first, I have to divulge my secret and substantially verify the entire practicality of my work by actual demonstration before eminent scientists. Then, after these disclosures, it should be decided to whom really does belong my demonstrated invention. Such a decision, of course, should be made by a series of courts.

Upon this victory my enemies became bolder and wilder in their accusations and vilifying me. It seems Prof. Elbert C. Kilpatrick had been intoxicated by the alteration of the resolution. But he had not been appeased by disgraceful disparagement and slanderous but effective accusations and insolent attacks that had already been heaped upon me. He came forth again. In part it reads, as follows:

[From the Washington Times, Thursday, June 27, 1918]

GARABED WAS STOLEN FROM HIM, INVENTOR HERE CLAIMS—ELBERT C. KILPARTICK, OF SAN FRANCISCO, IN CAPITAL WITH GENERATOR HE SAYS ARMENIAN PURLOINED

"If the story of Elbert C. Kilpatrick, of San Francisco, is to be believed, the 'Garabed' free-energy generator, which Garabed T. K. Giragossian, the Armenian inventor, announces will be given a formal test on Saturday next before five scientists in Boston, is stolen property.

"Kilpatrick has just arrived in Washington from San Francisco with a model of what he claims is the same generator Giragossian proposes to offer the Government.

"The model, which Mr. Kilpatrick says he will set up in Washington for demonstrations, has already reached here by express from San Francisco, he announces, and as soon as a suitable location can be found it will be given a test that he may make another claim for his patent.

"Millions of dollars, Mr. Kilpatrick asserts, are at his disposal to press his claims, and he declares he will remain in Washington until the rightful owners of the free-energy generator get control and protection by patent rights."

Hardly an inmate of any lunatic asylum will commit such a gross blunder by throwing his life work to the feet of his ambuscadors and thereafter to stand before a magistrate, so as to absolve himself from the crime of stealing a patent that never happened.

Therefore, for these and some other reasons, I did not display to the authorized commission my working engine on June 29, 1918. Thereupon my supposed failure, Professor Kilpatrick stood before some Members of the United States Congress, sad and despondent, because he had not what he persistently and publicly claimed to have. Another claimant, exposed imposter and swindler, H. Perrigo, had ingeniously conspired to deceive some Members of Congress and some official scientists, but they found out his trick.

However, after the exposure and disappearance of those imposters, I came again to Washington, D. C. Joint resolutions had been introduced in the United States Senate and House for the purpose of repealing the aforesaid amendment, attached to the original resolution, which is yet on the statute book.

Upon the expiration of the congressional session again and again identical resolutions had been introduced. Several times they have been favorably reported.

On April 5, 1926, the resolution was passed by the House, but because of the opposition of the Senate committee's chairman the resolution did not come before the Senate for a vote, and so died.

In the Seventieth Congress identical amendatory resolutions again have been introduced in two Chambers of the Congress. Both of them have been favorably reported. The chairman, Senator JESSE H. METCALF, of Rhode Island, opposed the resolution and he issued a hostile report, signed by him and Mr. WATERMAN, against the remaining five members of the committee. Thus this last resolution also has been killed by the opposition of the chairman.

For the elimination of the nullifying amendment, personally and several times I met the great majority of the United States Congress Members. They were in favor of repealing it. I most sincerely believed and confidently relied on their word. Just precisely for this reason I have been here in every session of the Congress during the past 11 years or so. This honest and firm belief of mine and sincere expectation have been confirmed and verified overwhelmingly when the resolution in question came before the House. It passed very quickly, although it has been killed in the Senate committee room by its chairman.

I have not been in favor of reintroducing again an identical resolution in the Seventy-first Congress. Without the support of the administration Senators it is impossible that the resolution can pass the Senate over the opposition of Senator METCALF.

Deeply appreciating the favorable attitude of our Congress and realizing the great magnitude of the first benefit, moral or material, which our country will enjoy, therefore I thought—and it has been suggested,

too—that it is my unavoidable duty to submit this matter to the consideration of our President, Herbert Hoover. I did so, inclosing three joint resolutions, the one passed once by the House and the two favorably reported by the committees. From a secretary of the White House I received a mere usual acknowledgment for it. However, I do not think that the President will personally get my letter. Therefore I am duty bound to present it for the CONGRESSIONAL RECORD.

The following is the transcript of my letter:

To His Excellency HERBERT HOOVER,
The President of the United States,
The White House, Washington, D. C.

MY DEAR SIR: Believing sincerely as I do that Your Excellency will take a profound interest in a matter which by its inborn characteristics is qualified to be a most useful instrument for the achievement of your noble object, the furthering of the public welfare, therefore, and for some other reasons, it became my unavoidable sacred duty to write this letter and inclose some papers related thereto.

This matter is to offer an inexhaustible and illimitable source of costless motive power, attainable free, everywhere, at any time, and in every season.

Certainly it is unnecessary here to describe its numerous utilities. Nevertheless, I entreat your generous permission to mention only a few of them which should be serviceable to the cause of farm relief, etc.

This work of mine can supply the farmer with abundant, costless electricity by which he is to have light and heat, and by which he will plow and electrify or fertilize the soil, or he may prefer to produce freely nitrate for the same purpose.

It can draw torrential streams from possible sources for irrigation and domestic purposes in those parched and thirsty farms. And the farmer will enjoy great facilities in transportation and invigorating pleasure in the inexpensive traveling.

It is becoming a most intricate problem, the conservation of the fuel—coal, oil, and even wood. Only the advent of costless motive power can adequately solve it without expense.

Thus my work is capable in many ways to assist and especially to convert your relief projects into permanent remedies.

It is well-nigh incredible that the safe advent of this invaluable gift of nature has been hindered for so many years. But this tedious protraction since 1921 has been engineered by the "bureaucratic interference," and provable gross misrepresentations of the Patents Commissioner, Mr. Thomas E. Robertson.

On February 3, 1928, before the full House Committee on Patents, Mr. James Austin Stone, a patent attorney, in his acrimonious statement, said, "I and the association which I represent would rather see that man [Giragossian] die with his secret than that this resolution should pass."

If I can substantially verify the entire practicability of my claim, at my own expense, am I entitled to be considered the inventor of it, provided that prior to my demonstration any invention similar to my claim will not have come into public use?

This matter in question is an accomplished contract between two parties, as it is already a law on the statute books of the United States of America. Accordingly, the United States Government has the right to use freely my work in its Navy, Army, etc., and without any charge or royalty. I can not sell any right in it to foreign countries without the consent of the United States Congress. I am obliged to sell my partial or universal right to the United States Government, if it desires. Has not the United States Government the right to enter into a contract, and to render it workable by amendment, without the consent of its subordinate? By what right and for whose benefits this commissioner and some patent attorneys are interfering in this affair?

Nearly 25 years I toiled arduously and with irretrievable, most precious sacrifices for the achievement of this work. It was always my fervid desire and highest aspiration to bring it into the light in its birthplace, the United States of America.

I have been crushed by excessive labor and exacting hardships. I was suffering as I am now under the depression of agonizing bereavements. But, for all that, I endured and endeavored by exerted efforts to render this worthy service to my adopted country, where I conceived and have been helped to a valuable success. Till now, during all my struggle, I lived in penury and tormented with rheumatism. But lately I am effectively feeling the heavy pressure of my advanced age. Therefore, I can not strive any longer for the fulfillment of my expressed wishes.

I have done more than my share. After working and meditating for 38 years here, if I should be driven out by a certain class of disguised dictators and bureaucrats who crave for my death, having no mercy, no regards to the interest of our people, and of all humanity as well, then I will be very sorry indeed. But I have no complaint. Thanks to destiny, it can not be expected that our conscientious and liberal President will tolerate such a cruel imposition, nor will His Excellency permit that such a natural gift of inconceivable magnitude be lost to our people, to humanity, and perhaps to all posterity forever, who knows?

Undoubtedly this matter will enjoy the support of our President, provided that the precise truth may be imparted to His Excellency.

My dear Mr. President, submitting this whole matter to your conscience and intellect here my duty terminates and my career ends.

Hoping confidently that you will be pleased to support this project, I have the honor to remain,

Most respectfully yours,

GARABED T. K. GIRAGOSSIAN.

MAY 27, 1929, *Washington, D. C.*

However, it seems appropriate and serviceable to express some more utilities of free energy.

We are told that Greenland is the producer or storm center of the North Atlantic, and that the ice chest of the Arctic is responsible for countless tempests, etc.

For some astronomical reasons, in the opinion of certain scientists, the Arctic glaciers are to melt away and vanish within or about the end of 10,000 years. Therefore, our succeeding generations also have to suffer through the effect of the frozen Arctic.

Now it is claimed that electricity can destroy ice far better and more successfully than dynamite. If so, some millions of horsepower of electricity should annihilate those calamitous mountains of ice that caused so many disastrous wrecks, millions of premature deaths and untold miseries, inflicting upon armies of innocent souls countless, but unsuspected illnesses and diverse tribulations. Worst of all of them, these bleak usurpers desolated once fruitful vast stretches of territories and confiscated them to the sorrow and detriment of all concerned.

While illimitable costless electricity can be generated under the Garabed system, while this generator is portable and detachable, and while this generator can be constructed at an astonishingly small expense, then the foregoing suggested project is as feasible as the construction of the Lincoln Memorial Bridge upon the Potomac.

If the will of Providence may set this miraculous gift at the disposal of public service, that will signify the doom of glaciers. Thence the creative mind and venturous spirit of revengeful man will hasten to bury those glacial devastators in the abyss of a bottomless grave.

Thus, the mighty current of costless electricity will deliver the entire arctic zone from the freezing and suffocating bondage of ice and frost, obliterating its icy blanket.

The accumulated ice of the Antarctic is to meet the identical extermination of the Arctic ice chest. In this respect, an apprehension is lurking in certain minds that the melting of such a supercolossal ice will raise the present water level of the oceans and seas and that it will incur great damages. To this gloomy prediction it is responded that in the Sahara there is a dried bed of an ancient sea, over 300,000 square miles, another one in Australia. A few powerful engines can fill and feed the latter one from the sea.

However that may be, all depends upon the practical success of clearing the North Arctic from its glaciers. Undoubtedly it is to be an accomplished fact by the advent of the Garabed.

The recovery of those vast continents can not satiate the lofty aspirations, nor will it appease the burning thirst of craving man for venturesome, and heroic exploitation.

Some daring, foresighted and dreaming student of science then may suggest that our oblique earth can be and should be straightened. All that is necessary is to surround the cleaned South Pole with a strong belt of iron and to magnetize it, then our mighty sun will accomplish the rest.

If only a few eminent scientists will approve and ascertain these speculative theories or hypotheses thence this most exciting enterprise will be started. The tireless human hand that forged and stretched on the earth millions of miles of rails can also easily belt the Antarctic with a sufficiently strong iron frame. And to magnetize it, the Garabed will supply freely abundant electricity, or as much as may be deemed necessary. If as a natural outcome of them all New England may enjoy an additional heat of 5° or 6° F., it will be as fertile as Italy's or France's soil, on the same latitude.

Thus the prospective marvelous rôles of the free energy in the near future are becoming more apparent and more numerous, as the needs of its immediate application are growing almost in the manner of geometric progression.

Since the World War there exists a restless and exerted general endeavor for the procurement of a new source of motive power. Behind this enduring and forceful strife rest precisely the same unconscious or purposeful objectives of our progenitors—i. e., the abolition of drudgery and poverty.

For the success of this age-old and intensified pursuit the whole world should be exposed and laid open to a relentless exploitation. The usefulness and productivity of every object should be augmented. White-collared employees should have inexhaustible but delightful occupation. The gain or earning of all and every worker must enhance the manyfold that the increase of the growth of the necessaries of a refined life and luxuriant society demands.

At present these evidently chimerical, visionary, and even ridiculously grotesque but in reality most rightful and eminently rational requirements of human aspiration can effectually be realized and utterly fulfilled under the Garabed system, through the utilization of free energy.

I promised to our Congress to save from exhaustion one of our best natural wealth, the coal, oil, or fuel, for the destruction of which we are annually sacrificing over $22,000,000,000. What did my opponents preserve or how many dollars did they save by preventing the advent of the costless energy?

I promised, as I am able to give, the charter of a new world abounding with incalculable riches. I promised, as I am able to offer, an incredibly beneficial factor which can immensely enhance the productivity of industry, as it will convert the deserts and wildernesses into vineyards, orchards, etc. What did the opponents of this marvelous work give or are they going to offer? I promised and endeavored to assure our Congress that our country can easily and practically possess this natural gift of innumerable blessings which will greatly accelerate the advance of art and science, banishing drudgery and poverty from this planet, thus obliterating the main causes of human sufferings and miseries, it will establish universal prosperity and eternal peace and good will among all human races.

With grateful thanks and highest esteem, I have the honor to remain

Most respectfully yours,

GARABED T. K. GIRAGOSSIAN,
From Boston, Mass.

WASHINGTON, D. C., *April 21, 1930.*

LIBERTY AND LAW

Mr. SUMMERS of Washington. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting a radio address delivered by the gentleman from Kansas [Mr. HOCH].

The SPEAKER. The gentleman from Washington asks unanimous consent to extend his remarks in the RECORD by printing a radio address delivered by the gentleman from Kansas [Mr. HOCH]. Is there objection?

There was no objection.

The address is as follows:

DRIVING HOME STERN POSITIVE FACTS—A POWERFUL GRANGE RADIO BROADCAST, GIVEN MARCH 15, BY CONGRESSMAN HOMER HOCH, OF KANSAS

The invitation extended by officers of the Grange to speak during their radio hour to-day is deeply appreciated. The Grange is one of the oldest and finest of farm organizations. Its high ideals have been maintained through all its years. Not only has it served the interests of the farm and the farm home but by its fine educational, social, and civic activities it has promoted the cause of good citizenship and good government.

We have had such a deluge of talk about prohibition that reference to it almost calls for apology. And yet I agree with Grange officials who have asked me to say a few words about it that, however tiresome the subject may have become, this is no time to quit the fight. Issues larger than prohibition alone are at stake. As to prohibition itself both sides have a right to their opinion. Those who oppose the law are entitled to seek its repeal if their methods are fair and honest. That right is fundamental in the American system. But no citizen in America is entitled to violate the law, to connive with the lawbreaker, or to counsel nullification. That, also, is fundamental.

Nullification lifts its head in high places. A few days ago Congressman BECK, of Pennsylvania, a very distinguished lawyer, delivered in the House of Representatives an address against prohibition. Like all his utterances it was scholarly in character. It was embellished with allusions to history and literature. It was garnished with fine phrases. But in the midst of the alluring rhetoric a proposition was advanced which was amazing in character. He contended that the eighteenth amendment is to be regarded simply as a grant of power to Congress to act if it saw fit to do so; that it is to be classed with the power to regulate interstate commerce, to pass patent and copyright laws, and with other such grants of power in the Constitution.

While I have high regard for the ability and learning of my colleague, I submit that a more fallacious or destructive proposition has seldom fallen from the lips of any man with any reputation as a constitutional lawyer. The first section of the eighteenth amendment declares the manufacture and sale of intoxicating liquors for beverage purposes as unlawful. Its language is precisely in line with the language of the thirteenth amendment, which prohibits slavery. The second section, like the second section of the slavery amendment, provides for enforcement laws to make the first section effective. And yet my friend, Mr. BECK, contends that it was entirely discretionary with Congress whether it pass any laws at all to enforce the first section. By solemn declaration in the Constitution certain things are declared unlawful.

Those who do those things are offenders against the supreme law of the land, whether there is any enforcement statute or not. To say that a Member of Congress need recognize no responsibility to make the Constitution effective is to make the oath which he takes a lip service only, meaningless, and a farce. He may oppose specific proposals on the ground that they would be ineffective, unwise, or contrary to some provision of the Constitution; but to say that he has no obligation to be for any law at all to carry out the solemn provisions of the Constitution is to strike at the foundation of representative and constitutional responsibility. Mr. BECK may not consider his doctrine as nullification but I know no other name to give it.

As to prohibition itself, I would not minimize the violations. There are sections and communities where wet sentiment makes enforcement a tremendous problem. No sane and fair defender of the law will refuse to look the facts squarely in the face. But this much certainly is true, that in determining whether the law is a success or a failure, it is not enough to point out violations. That test would require repeal or modification of many criminal laws. Thousands of automobiles are stolen every year; violations of the narcotics law are widespread and serious; the number of murders is an indictment of our civilization. More than that, the fair comparison is not with a condition of perfect enforcement, but with conditions which would exist to-day if we had no prohibition in America. Does any sensible person think that pay-day nights would be better, that families would be happier, that the highways would be safer, that drinking among young people would be less, that public life would be cleaner if we were to restore a legalized liquor traffic with its open allurements and its unrestrained influences? Would not the evils of the old days be vastly increased in these postwar and high-tension days? I lived in Washington for three years 25 years ago, in the old saloon days. Drunkenness on the streets was a common everyday sight. To-day it is comparatively uncommon. In the old days when there was a bar in the Capitol it was not an unusual occurrence for Members to come onto the floor of Congress intoxicated. Now, it is such a rare happening that it practically never occurs. I can count on one hand the times I have seen it happen during the 11 years of my membership.

Another sophistry used against prohibition is the old platitude that "you can't make people good by law." Of course you can't. No one has advocated prohibition on that theory. It is not the purpose of prohibition to make people good by law. That is not the purpose of antinarcotics laws, of laws against theft, or of any other criminal laws. You can't make a man honest by a law against theft; you can't take hate out of his heart by a law against libel or personal violence. But you can make it unhealthy for him to commit these offenses and get caught at it. In this regard prohibition stands on precisely the same ground as other laws. The Nation has determined that traffic in beverage intoxicants was contrary to the public welfare, that as a destroyer of family life, a demoralizer of industrial life, and a corrupter of political life it was an evil which should no longer be regarded as legitimate and legal. On that ground and not on the ground of making people good by law, prohibition is founded, and on that basis success or failure must be determined.

In view of recent wild, irresponsible, and utterly exaggerated statements concerning prohibition in my own State of Kansas may I say just a word. That there are violations in Kansas, as there are in other States, is, of course, true. Conditions are far from perfect. By the same methods used by these wet writers who are sent out by wet papers to get wet facts you could make out a case for repeal of the law against larceny. But let me tell you what the people of Kansas think about the law. They have gone through the long fight, with certain wet cities at times in open violation of the law, and with law enforcement handicapped by attack from bordering States that were wet. And in spite of all the imperfections and incidental failures of the law, the sentiment is such that no man runs for public office in the State either on the Democratic or Republican ticket except upon a dry platform. That is the judgment of a progressive and intelligent people upon the economic advantages, the sociological advantages, to say nothing of the moral advantages of the law after a trial—not of 10 years but of 50 years.

Another brief word and I am through. The time has come when people have a right to demand that public officials shall square their personal practice in this matter with their public duties. Disregard of the law by the private citizen is bad enough. But law-breaking by the public man charged with the responsibility of making laws or administering them assumes an added evil. His offense is a sinister one. By the violation of his oath and the force of his example he helps to destroy that faith in government without which orderly government fails. This truth goes for all officials, local, State, and National, who have taken the solemn obligations of public service. The public official who talks dry and drinks wet is entitled to be restored to private life.

But private citizens also must meet the issue. Too many people in America who pose as good citizens, who wear the garb of civic respectability, seem to think it smart to disregard this law and other laws. To tolerate that spirit in America is to play with fire. Men of large property might well remember that when they flout one law they breed disrespect for all. Do they forget that the security of their property rights is to be found in the solemn guaranties of the Constitution? Against those guaranties is the smouldering hatred of the lawless elements in America. Tear down these guaranties and these smug disobeyers of one law will find themselves naked and defenseless.

We boast of our liberty in America, and well we may. But we need to remember that we can not long maintain liberty unless side by side with liberty we maintain respect for law, which alone makes liberty possible in the world.

EXTENSION OF REMARKS—WORLD WAR VETERANS' LEGISLATION

Mr. GLOVER. Mr. Speaker, ladies, and gentlemen, the bill now before the House for consideration, H. R. 10381, is possibly the most important legislation that has come before Congress during this session, which is a bill to amend the World War veterans' act of 1924.

This bill, when passed, ought to take care of all the veterans of the World War who made a sacrifice of their health or limbs in defense of their country. We should not forget that only a short time back when the security of our Nation was threatened and war made on our Government, that we were forced to defend ourselves. Congress at that time passed a law and put these men, the flower of our country, into the greatest world conflict that has ever been known.

Knowing that this was to be a great conflict, the law was passed so as to secure those who were most capable in point of health and age to endure the hardships of the conflict. We can look back and picture these young men pursuing every vocation and avocation of life without any thought on their part that they would be plunged into war. They were summoned before an examining board in each of their respective counties. A thorough test was made and those found to be physically fit and sound were put into service, trained for a short time, and sent into battle. Many of those who went into this conflict made the supreme sacrifice and gave up their lives in defense of their country, mother, and home, and many of them now sleep in Flanders Fields.

Many of those who returned to their own land, came back shell shocked, gassed, wounded, or broken down in health, and a Government that would not care for them after calling them into service and after they have made this great sacrifice would certainly be an ungrateful Government.

If we could picture before us to-day the great battles in which they fought and in which they were wounded and in which they endured hardships beyond expressions, we would not hesitate to do them justice now.

The World War veterans' act of 1924 did not provide for the ex-service men as it should have, or as they were entitled to. The law in the manner that it was drawn was technical in many respects and made a great hardship for many of the ex-service men who are worthy and who are in distress to get relief and many could not get relief under that act. Some criticism of the manner in which the Veterans' Bureau has been conducted has been indulged in on this floor, and much of it we are forced to believe was not justified. General Hines has, in my opinion, filled this position as well as any man in the United States could have done under the existing law.

It has been my privilege recently to appear before this board in the interest of a veteran, and I take pleasure in saying for them that I was never accorded a more careful and considerate hearing than that given the matter that I assisted in presenting.

The greatest injustice to the World War veteran in presenting his claim to the Government has been in the adoption of a policy of resolving all doubt in favor of the Government rather than in favor of the ex-service man. This bill changes that presumption and a provision is put into this law as follows:

That an ex-service man who has shown to have or, if deceased, to have had prior to January 1, 1925, a disability developing a 10 per centum degree or more in accordance with the provision subdivision (4) of section 202 of this act shall be presumed to have acquired his disability in such service between April 6, 1917, and July 2, 1921, or to have suffered an aggravation of a preexisting disability in such service between said dates and said presumption is made conclusive in cases of tuberculosis, paralysis, paresis, blindness, those permanently helpless, permanently bedridden, and spinal meningitis, but in all other cases said presumption shall be rebuttable by clear and convincing evidence.

This will enable many veterans that are now denied relief the right to receive the compensation that they are entitled to.

I think this provision is right, but it is my opinion that it should make this presumptive period 1930 instead of 1925.

If a soldier acquired his disability in service, or if he suffered an aggravation of preexisting disability which has caused tuberculosis, paralysis, paresis, blindness, permanent helplessness, or became permanently bedridden, or spinal meningitis, he should not be limited at all but should be cared for by the Government if that condition was produced and caused by service for his country.

I had hoped that this bill would make the presumptive period 1930 instead of 1925, but I will support the bill, anyway, if we can not get the amendment, as it is a wonderful improvement over the act of 1924.

We recently passed a resolution authorizing the appointment of a joint committee from the House and Senate to prepare a constitutional amendment looking to a universal draft law of capital in case of war. While many thousands of persons were rendered cripples and helpless for life in the last war, and while many made the supreme sacrifice of their lives and left their widows and orphans, on the other hand there were many thousands of persons who made themselves multimillionaires.

If a law was passed, and it should be, that in case of war that excessive profits should not be allowed and that all property necessary to be drafted in case of war the Government would have a right to draft property just as they now draft men.

It is to be hoped that we will never again be plunged into a condition as we faced in the last World War. We have a mighty and great Nation, the wealthiest Nation in the world, and we should so conduct ourselves before the world in a national way that we would have the supreme friendship and good will of all nations, and the possibility of war should be removed as far as is humanly possible.

Four-fifths of the revenue of the United States Government is now being spent for the maintenance of the Army and Navy and for caring for those injured in our wars and the payment of interest on indebtedness caused by wars. Our old Monroe doctrine of having no entangling alliances with other nations is indeed a very fine doctrine, and should be adhered to by America.

The United States is a great export nation. We have many surplus commodities to sell abroad, and if that relationship is to be sustained in the future we must maintain a position of fair dealing with all nations of the world.

Nations in dealing with each other are very much like individuals dealing with each other. For an illustration, if you have two men engaged in the same business in your town, both selling the same commodity at the same price, and you like one and dislike the other, which would you naturally trade with? Your enemy or friend? It goes without saying that you would trade with your friend. Nations act on the same principle. Other nations have the same commodities to sell abroad that we have, and we should conduct ourselves in such way as to maintain the confidence of all the nations of the earth.

I hope the amendment will be adopted and the bill passed with this amendment, which will take care of many thousand veterans that are not now cared for, but if this amendment fails I shall heartily support the bill carrying the presumption period of 1925, which will be a great improvement of the present law.

PROPOSED AMENDMENT TO THE PENDING VETERANS' BILL

Mr. SWING. Mr. Speaker, I ask unanimous consent to have printed in the RECORD an amendment which I intend to offer to-morrow to section 1 of the Johnson bill, granting relief to disabled veterans of the World War who are now denied home treatment under paragraph 6588, subdivisions (c), (d), and (e) of Regulations and Procedure, United States Veterans' Bureau, and in connection with the amendment I would like those sections of the regulations printed with it.

The SPEAKER. The gentleman from California asks unanimous consent to extend his remarks by printing an amendment he intends to offer to-morrow to the Johnson bill, together with certain regulations pertaining thereto. Is there objection?

There was no objection.

The amendment and regulations follow:

Proposed amendment of Mr. SWING: Page 1, line 11, after the word "purposes," strike out the word "and" and insert in lieu thereof the following: "*Provided*, That in making regulations pursuant to existing law, with reference to home treatment for service-connected disabilities, the director shall not discriminate against any veteran solely on the ground that such veteran left a hospital against medical advice or without official leave."

REGULATIONS AND PROCEDURE, UNITED STATES VETERANS' BUREAU—MEDICAL, 1929

Paragraph 6588. Authority for treatment of beneficiaries at their homes.—The following principles will govern in authorization of treatment of beneficiaries at their home, under the varying circumstances cited:

* * * * * * *

(c) When a beneficiary who has been admitted to a hospital upon authority of this bureau is discharged therefrom "against medical advice" and upon return to his home has become ill and requests medical treatment at home, and it is determined that his physical condition is such that he can return to a hospital, medical care and treatment will not be furnished by the bureau to such beneficiary in his home.

(d) Where the same conditions obtain as in (c) except that the beneficiary's condition is not considered such as to permit his removal to a hospital, the bureau will nevertheless not assume the care and treatment of such claimant in his home.

(e) Where the conditions discussed in (c) and (d) obtain, except that the discharge from hospital has been for "absence without official

leave" or for "disciplinary reasons" the regional office will be similarly governed as in (c) and (d); that is, care and treatment at home will not be authorized at the bureau's expense.

* * * * * * *

ENROLLED BILLS SIGNED

Mr. CAMPBELL of Pennsylvania, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H. R. 10118. An act to authorize the Secretary of War to lend War Department equipment for use at the Twelfth National Convention of the American Legion at Boston, Mass., during the month of October, 1930.

The SPEAKER announced his signature to an enrolled joint resolution of the Senate of the following title:

S. J. Res. 152. Joint resolution to extend the provisions of the joint resolution for the relief of farmers in certain storm, flood, and/or drought stricken areas, approved March 3, 1930.

BILLS PRESENTED TO THE PRESIDENT

Mr. CAMPBELL of Pennsylvania, from the Committee on Enrolled Bills, reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

H. R. 7881. An act authorizing the Secretary of the Interior to erect a monument as a memorial to the deceased Indian chiefs and ex-service men of the Cheyenne River Sioux Tribe of Indians; and

H. R. 10118. An act to authorize the Secretary of War to lend War Department equipment for use at the Twelfth National Convention of the American Legion at Boston, Mass., during the month of October, 1930.

ADJOURNMENT

Mr. JOHNSON of South Dakota. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 37 minutes p. m.) the House, under its previous order, adjourned until to-morrow, Thursday, April 24, 1930, at 11 o'clock a. m.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Thursday, April 24, 1930, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON NAVAL AFFAIRS

(10.30 a. m.)

To consider private bills.

COMMITTEE ON IMMIGRATION AND NATURALIZATION

(10.30 a. m.)

To exclude certain citizens of the Philippine Islands from the United States (H. R. 8708).

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

(10 a. m.)

To regulate the entry of persons into the United States, to establish a border patrol in the Coast Guard, and for other purposes (H. R. 11204).

COMMITTEE ON FLOOD CONTROL

(10.30 a. m.)

To establish a reservoir system of flood control on the tributaries of the Mississippi River (H. R. 9376).

COMMITTEE ON BANKING AND CURRENCY

(10.30 a. m.)

To consider branch, chain, and group banking as provided in House Resolution 141.

COMMITTEE ON THE JUDICIARY

(10 a. m.)

Proposing an amendment to the Constitution of the United States (H. J. Res. 114, H. J. Res. 11, H. J. Res. 38).

Proposing an amendment to the eighteenth amendment of the Constitution (H. J. Res. 99).

Proposing an amendment to the Constitution of the United States providing for a referendum on the eighteenth amendment thereof (H. J. Res. 219).

Proposing an amendment to the eighteenth amendment of the Constitution of the United States (H. J. Res. 246).

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. LETTS: Committee on the Public Lands. H. R. 4020. A bill to authorize the Secretary of the Interior to investigate and report to Congress on the advisability and practicability of establishing a national park to be known as the upper Mississippi national park, in the State of Iowa, and for other purposes; with amendment (Rept. No. 1263). Referred to the Committee of the Whole House on the state of the Union.

Mr. DEMPSEY: Committee on Rivers and Harbors. H. R. 11781. A bill authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes; with amendment (Rept. No. 1265). Referred to the Committee of the Whole House on the state of the Union.

Mr. LEAVITT: Committee on the Public Lands. S. 3585. An act to eliminate certain land from the Tusayan National Forest, Ariz., as an addition to the Western Navajo Indian Reservation; without amendment (Rept. No. 1266). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. VINSON of Georgia: Committee on Naval Affairs. H. R. 10532. A bill for the relief of Frank M. Grover; without amendment (Rept. No. 1262). Referred to the Committee of the Whole House.

Mr. EVANS of Montana: Committee on Indian Affairs. H. R. 7063. A bill for the relief of H. E. Mills; without amendment (Rept. No. 1264). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. SOMERS of New York: A bill (H. R. 11876) relating to educational requirements of applicants for citizenship; to the Committee on Immigration and Naturalization.

By Mr. McSWAIN: A bill (H. R. 11877) to authorize the leasing of the Muscle Shoals property upon certain terms and conditions, and to provide for the national defense and for the regulation of interstate commerce, and for other purposes; to the Committee on Military Affairs.

By Mr. McLEOD: A bill (H. R. 11878) to amend an act entitled "An act to establish a code of law for the District of Columbia," approved March 3, 1901, and the acts amendatory thereof and supplementary thereto; to the Committee on the District of Columbia.

By Mr. SIROVICH: A resolution (H. Res. 211) calling on the House of Representatives to investigate all proceedings in connection with equity receiverships and also all bankruptcy proceedings instituted since the passage of the national bankruptcy act of 1898; to the Committee on Rules.

By Mr. CELLER: Concurrent resolution (H. Con. Res. 30) to amend paragraph 1510 of H. R. 2667; to the Committee on Rules.

By Mr. LEA: Joint resolution (H. J. Res. 315) proposing an amendment to the Constitution of the United States providing for the election of President and Vice President, and the filling of vacancies in the office of President; to the Committee on Election of President, Vice President, and Representatives in Congress.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BLACK: A bill (H. R. 11879) for the relief of Frederic W. Anderson; to the Committee on Claims.

By Mr. CANFIELD: A bill (H. R. 11880) granting an increase of pension to Eliza Clemons; to the Committee on Invalid Pensions.

By Mr. CARTWRIGHT: A bill (H. R. 11881) for the relief of Phoebe Tedder; to the Committee on Military Affairs.

By Mr. CRAIL: A bill (H. R. 11882) granting a pension to Lloyd O. Taylor; to the Committee on Pensions.

Also, a bill (H. R. 11883) granting a pension to T. F. Glass; to the Committee on Pensions.

Also, a bill (H. R. 11884) granting a pension to Jessie Prentiss; to the Committee on Pensions.

By Mr. DAVENPORT: A bill (H. R. 11885) granting an increase of pension to Helen G. Smith; to the Committee on Invalid Pensions.

By Mr. DUNBAR: A bill (H. R. 11886) granting a pension to Elizabeth Haskins; to the Committee on Invalid Pensions.

By Mr. DYER: A bill (H. R. 11887) to provide for appointing Roelf Noteboom, sergeant, Quartermaster Corps, the Army War College, a warrant officer, United States Army; to the Committee on Military Affairs.

By Mr. EATON of New Jersey: A bill (H. R. 11888) granting an increase of pension to Mary E. Herbert; to the Committee on Invalid Pensions.

By Mr. FITZGERALD: A bill (H. R. 11889) for the relief of William W. Troy; to the Committee on Military Affairs.

By Mr. HALSEY: A bill (H. R. 11890) granting an increase of pension to Elizabeth Clary; to the Committee on Invalid Pensions.

By Mr. HILL of Washington: A bill (H. R. 11891) granting an increase of pension to Rachel J. Hartley; to the Committee on Invalid Pensions.

By Mr. HOGG: A bill (H. R. 11892) granting an increase of pension to Lorella Richey; to the Committee on Invalid Pensions.

By Mr. IRWIN: A bill (H. R. 11893) granting an increase of pension to Rosa Leu; to the Committee on Invalid Pensions.

By Mr. MEAD: A bill (H. R. 11894) for the relief of Harold C. Marshall; to the Committee on Claims.

By Mr. NIEDRINGHAUS: A bill (H. R. 11895) granting an increase of pension to Richard Winfield Zschocke; to the Committee on Invalid Pensions.

By Mr. REECE: A bill (H. R. 11896) for the relief of Garland R. Hartman; to the Committee on Military Affairs.

By Mr. RUTHERFORD: A bill (H. R. 11897) for the relief of Jim P. Harper; to the Committee on Military Affairs.

By Mr. WOLVERTON of New Jersey: A bill (H. R. 11898) granting an increase of pension to Mary A. Elliott; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11899) to make a correction in an act of Congress approved February 28, 1929; to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

7077. Petition of Adjutants General's Association, representing 35 States, in convention assembled at Washington, D. C., indorsing the increase in pay as recommended by the interdepartmental pay board; to the Committee on Military Affairs.

7078. By Mr. BLOOM: Petition of the American Jewish Congress and its constituent societies, opposing any form of alien registration, whether it be voluntary or compulsory, on the ground that registration is unsound in principle, contrary to the American ideals and traditions of personal liberty, and because it would invite abuses that are fundamentally more destructive than any evils registration might aim to cure; to the Committee on Immigration and Naturalization.

7079. By Mr. GARBER of Oklahoma: Petition of Defiance Lumber Co., Tacoma, Wash., in opposition to tariff on logs; to the Committee on Ways and Means.

7080. Also, petition of Fidalgo Lumber & Box Co., Anacortes, Wash., in opposition to tariff on logs; to the Committee on Ways and Means.

7081. Also, petition of the Atlantic Lumber Co., Boston, Mass., in opposition to tariff on birch and maple lumber; to the Committee on Ways and Means.

7082. Also, petition of Northwestern Woodenware Co., Tacoma, Wash., in opposition to duty on logs; to the Committee on Ways and Means.

7083. Also, petition of Shaffer Box Co., Tacoma, Wash., in opposition to tariff on logs; to the Committee on Ways and Means.

7084. Also, petition of disabled American veterans, Sunmount, N. Y., urging amendment to Johnson bill to extend presumptive period to January 1, 1930; to the Committee on World War Veterans' Legislation.

7085. Also, petition of New York Lumber Trade Association, New York, N. Y., in opposition to tariff on lumber; to the Committee on Ways and Means.

7086. Also, petition of collector of customs, district No. 45, in support of House bill 11204; to the Committee on Interstate and Foreign Commerce.

7087. Also, petition of national tariff committee, New York, N. Y., submitting final appeal; to the Committee on Ways and Means.

7088. Also, petition of Bloedel Donovan Lumber Mills, Seattle, Wash., in opposition to tariff on logs; to the Committee on Ways and Means.

7089. Also, petition of Stimson Mill Co., Seattle, Wash., in opposition to the tariff on logs; to the Committee on Ways and Means.

7090. Also, petition of Long Bell Lumber Co., Oklahoma City, Okla., in support of tariff on lumber; to the Committee on Ways and Means.

7091. Also, petition of McCloud River Lumber Co., McCloud, Calif., in opposition to tariff on softwood lumber; to the Committee on Ways and Means.

7092. By Mr. GUEVARA: Memorial of Logia Solidaridad, No. 23, of Manila, P. I., to the President and Congress of the United States, expressing the lodge's enthusiastic support of the resolution introduced by Senator KING granting independence to the Philippines; to the Committee on Insular Affairs.

7093. By Mr. LINDSAY: Petition consisting of individual letters, registering protest against the Federal education bill and contending that education is a local matter and not for governmental administration, from the following citizens of the third congressional district, Brooklyn, N. Y.: Helen Craig, Catherine F. Dailey, Rosemary Dunn, Mary Hauley, Eliz. Kohler, Daniel McAllister, Helena C. McCarthy, Anna McGarry, Frances Mueller, and May G. Mueller; to the Committee on Education.

7094. By Mr. MANLOVE: Petition of Mrs. Fred Brennan and 230 other citizens of Portland, Oreg., urging Congress to speedily pass the Manlove bill, H. R. 8976, for the relief of veterans and widows and minor orphan children of veterans of Indian wars; to the Committee on Pensions.

7095. Also, petition of David Gunterb and 66 others of Stockton, Calif., urging Congress to speedily pass the Manlove bill, H. R. 8976, for the relief of veterans and widows and minor orphan children of veterans of Indian wars; to the Committee on Pensions.

7096. By Mr. TILSON: Memorial of the board of aldermen of the city of Derby, Conn., memorializing the Congress of the United States to enact House Joint Resolution 167; to the Committee on the Judiciary.

SENATE

THURSDAY, *April 24, 1930*

(Legislative day of Monday, April 21, 1930)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

Mr. FESS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Allen	Frazier	Kean	Shipstead
Ashurst	George	Kendrick	Shortridge
Barkley	Gillett	Keyes	Simmons
Bingham	Glass	McCulloch	Smoot
Black	Glenn	McKellar	Steck.
Blaine	Goldsborough	McNary	Steiwer
Blease	Gould	Norbeck	Stephens
Borah	Greene	Norris	Sullivan
Bratton	Hale	Nye	Swanson
Brock	Harris	Oddie	Thomas, Idaho
Broussard	Harrison	Overman	Thomas, Okla.
Capper	Hatfield	Patterson	Townsend
Caraway	Hawes	Phipps	Trammell
Copeland	Hayden	Pine	Vandenberg
Couzens	Hebert	Pittman	Wagner
Cutting	Heflin	Ransdell	Walsh, Mass.
Dale	Howell	Robinson, Ind.	Walsh, Mont.
Deneen	Johnson	Robsion, Ky.	Waterman
Fess	Jones	Sheppard	Watson

Mr. SHEPPARD. I announce that the Senator from Florida [Mr. FLETCHER], the Senator from Utah [Mr. KING], and the Senator from South Carolina [Mr. SMITH] are all detained from the Senate by illness.

I also desire to announce that the Senator from Arkansas [Mr. ROBINSON] and the Senator from Pennsylvania [Mr. REED] are returning from the London Naval Conference.

I wish further to announce that my colleague [Mr. CONNALLY] is unavoidably detained from the Senate.

Mr. NORBECK. My colleague [Mr. MCMASTER] is unavoidably absent from the city. I ask that this announcement may stand for the day.

Mr. SHIPSTEAD. I wish to announce that my colleague the junior Senator from Minnesota [Mr. SCHALL] is unavoidably absent. I will let this announcement stand for the day.

The VICE PRESIDENT. Seventy-six Senators have answered to their names. A quorum is present.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Haltigan, one of its clerks, announced that the House had passed the joint resolution (S. J. Res. 156) to pay the judgment rendered by the United States Court of Claims to the Iowa Tribe of Indians, Oklahoma.

REPORT OF THE FEDERAL RESERVE BOARD

The VICE PRESIDENT laid before the Senate a communication from the governor of the Federal Reserve Board, trans-